ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

REGULAR SESSION 1976

IN TWO VOLUMES

VOL. I

GEORGE C. WALLACE, Governor
JERE BEASLEY, Lieutenant Governor
JOE FINE, President Pro-Tem of the Senate
JOE C. McCORQUODALE, JR., Speaker of the House
ROBERT T. CROWE, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
JOHN W. PEMBERTON, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATURE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1976 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Agnes Baggett
Secretary of State

MESSAGE OF GOVERNOR GEORGE C. WALLACE

TO JOINT SESSION OF THE ALABAMA LEGISLATURE

AT REGULAR SESSION MAY 5, 1976

LT. GOVERNOR BEASLEY, SPEAKER McCORQUODALE:

MEMBERS OF THE ALABAMA LEGISLATURE:

I appreciate this opportunity to speak to you this evening concerning my recommendations for this Session.

The appropriation process for the fiscal year which began October 1, 1976, was a traumatic experience. The appropriation process for the fiscal year beginning October 1, 1976, will also be a challenge in that there will be less revenue available to appropriate than there was this year. This is true in both the General Fund and the Special Education Trust Fund.

Since last November, I have urged the various departments of the Executive Branch and our educational institutions to make every effort possible to reduce expenditures and to increase their efficiency. I have suggested specific ways by which expenditures may be curbed. The Legislature appropriated approximately $191,000,000, excluding Revenue Sharing, to fund the General Government for the current fiscal year. We anticipated an actual expenditure of $185,000,000, which is $6,000,000 less than was appropriated. To my knowledge, this is unprecedented. The General Fund appropriation bill I am submitting to you tonight contains appropriations, exclusive of Revenue Sharing, in the amount of $180.8 million dollars. This represents a reduction of 2.25% in the actual appropriations from the current fiscal year.

One area where I am recommending increased appropriations is to the Board of Corrections. There are a number of things which need to be done to improve the operations of the Board of Corrections and these must be done in addition to increasing the appropriations to that Department. There are certain funds now available from the bond issue and Revenue Sharing that I have allocated which can be used for immediate needs.

I am proposing legislation which will transfer the responsibility for the operation of the prisons of this State to the Governor. There has been a great deal said in recent weeks about the operation of the prison system. The fact is that the Board of Corrections is made up of fine people who do the best they can in one meeting a month to operate the prisons, and I want to thank them for their efforts; however, they are limited in what they can do because they are professional and

business people who simply cannot devote their full time to this problem.

The Governor is not a member of the Board of Corrections and does not even meet as ex officio chairman of the Board; yet the Governor, whoever he might be, is the highest constitutional officer in the State and should have the authority to run the prison system. The Governor and the Legislature get blamed when the prisons do not function properly and, as far as the Governor is concerned, I think that whoever is Governor should have the authority to operate the prisons if he has to take the final responsibility.

I propose in this legislation that the person who operates the prisons be appointed by and be responsible to the Governor of the State, just as other important State Departments are operated. The Board of Corrections under this proposal will serve in an advisory capacity.

I have stated publicly on numerous occasions that I do not believe in providing a hotel-like atmosphere at the expense of the taxpayers of this State for the convicted criminals. I am much more concerned about the constitutional rights of the victims — those who are raped, robbed, assaulted, and placed in the cemetery — than I am the hardened criminal who commits these acts against society. Less than ten years ago, we built what was considered a modern and adequate prison facility near Atmore and also the Receiving and Classification Center at Mt. Meigs. Because of the permissive case law rendered by the courts, these facilities are now crowded and no longer considered adequate for the prison population.

For these and other reasons, I have caused an appeal to be taken from the recent decision of the U. S. District Court. I am hopeful that the appeal will be successful. Yet, I realize as you do that we must make plans now to enlarge our prison facilities. I am, therefore, proposing constitutional amendments to increase the rate of the income tax on individuals and corporations with the revenues of this increase to be unearmarked so that the proceeds can be used for the prison system immediately and, at a later time, for education or the General Fund. This proposal will allow the people of the State to say whether or not they are willing to pay additional income tax in order to provide for prisons.

Another area where there is a continuing need is the State Highway Department. Too many of our citizens are being killed and maimed because of the unsafe highway conditions existing in this State. The Highway budget for maintenance and for State construction has been totally inadequate for some time. I am recommending that you transfer $10,000,000 from the General Fund to the State Highway Department and that

you allocate $17,000,000 in Revenue Sharing Funds to that Department. Unfortunately, there is only a slight growth in revenues earmarked to the Department and, quite frankly, my recommended budget is not adequate for the Department to do all that needs to be done, but is made to you in light of existing revenues.

While I recognize that the overwhelming majority of those who provide medicaid services operate in a legal manner and operate within the law and in an ethical manner, yet there is some question in my mind and in your minds about abuses in the many aspects of providing medicaid services. I feel there should be no abuses and the State of Alabama has begun a program of investigation and review of possible abuses in medicaid services. In order to assist in this effort, I have placed in my recommended budget an appropriation of $75,000 for special investigations of possible abuses in the medicaid program.

We have made a great breakthrough in the field of mental health and we must continue the fine program we have in this State. Alabama has a nationally recognized program of mental health care and it is one area which should be a source of pride to all citizens. During the last legislative session, the Legislature recognized that there were legitimate education functions carried on by the Department of Mental Health. The Legislature reached a solution as to needed funds for the Mental Health Department by transferring the sum of $19,000,000 from the Special Education Trust Fund to the Department of Mental Health. This year I am recommending that the sum of $18,000,000 be transferred from the Special Education Trust Fund to that Department and that amount, together with other revenues, will provide approximately the same revenues received this year.

I have recommended reductions in a number of State agencies this year. This was required because of limited revenues ner in which the departments acted to economize and reduce expenditures wherever possible. I am pleased to report to you that of the recommendations made by the Governor's Cost Control Survey Team as to the Executive Branch, 57.8% have been implemented and 17.5% are in the process of being implemented. This is an outstanding accomplishment. We have prepared and are in the process of implementing a master plan for data processing consolidation. This plan is well underway and is expected to save the State millions of dollars in future years. We are also well underway with the "Zero" based budget. This should enable us to eliminate inefficient and unneeded programs.

In an effort to increase efficiency and to improve coordination in the Executive Branch, I have appointed the Governor's Committee to Study Reorganization of State Govern-

ment. Members of this Committee represent a broad spectrum of citizens across the State in the fields of government, labor, education, business, and industry. I am hopeful that they will make recommendations which can be studied and reviewed by you and which will lead to a reorganization of State Government which will be more productive, more efficient, and better able to respond to the needs of the citizens of this State.

* * *

Moving on to the education budget, I would like to reiterate my belief that education is the most important function of State Government. I have stated this on many occasions and it is with great pride that I reflect on the growth of education since I took office in 1963. In my first year in office as Governor, the total appropriation for education from the Special Education Trust Fund was $149,000,000 and the appropriation this year is $839,000,000 which constitutes an increase of 463%. The average teacher's salary in 1963 was $3,978 while today the average salary is $10,597, which is an increase of 166%. Since 1963, teacher units have increased some 9,000 while the average daily attendance has decreased approximately 40,000. The pupil-teacher ratio has decreased from 28.8 in 1963 to 20.2 today. These figures point out the tremendous gains we have made in public education during my administration. In addition, we created the program which provides free textbooks to all students. We have expanded the Trade School Program and instituted the Junior College Program so that we now have 29 Trade Schools and 20 Junior Colleges. There are new universities in Mobile, Montgomery, Birmingham, Huntsville, and Athens. There is a new Medical School at Mobile and an expanded enrollment at the Medical School in Birmingham. This year there is an appropriation of $10,000,000 for fees in elementary and secondary education to eliminate this burden from the parents of students in this State.

As we started preparation of our budget last year, we were fortunate to have an accumulated balance of approximately $135,000,000. I recommended, and the present legislative fiscal officer agreed with me, that a reserve fund in the amount of $50,000,000 be created and retained as insurance in the event of an economic slowdown which could lead to a reduction in education revenues in this State. Over my strenuous objections, you enacted a bill appropriating most of this accumulated surplus. In fairness, I might point out that every House passed appropriation bill adopted my recommendations and contained a sizeable surplus. However, a majority of the Senate amended the House passed bill to appropriate most of the recommended reserve. You recall that the House refused to concur in the Senate amendments during the Regular Session and the Legislature adjourned without the passage of an education appropriation bill. Virtually the same situation oc-

curred in November and I sent back an Executive Amendment reducing all appropriations except teacher salaries by two percent. This was a relatively small reduction and would not have seriously impaired the operation of an affected institution. The Senate rejected this amendment after passage by the House.

Because of the fact that we did not retain a sizeable reserve, we are faced with reductions in many areas of education next year. We will not have as many dollars to appropriate next year as we had this year. This year we provided all segments of education with the greatest single increase of school funding that this State has ever witnessed. With all of us working together, we were able to increase teacher salaries dramatically; provide funds to purchase supplies in an effort to eliminate fees; increase funds to purchase textbooks; provide extensive increases in retirement benefits; vocational education, Trade School and Junior College Programs were increased dramatically; higher education received significant increases; and in medical education we continued our program designed to provide 300 new doctors each year.

In the budget I am recommending to you there are reductions in some areas of education; however, in my opinion none of these reductions are substantial enough to have a serious impact on the ability of the institution involved to continue its operations. These reductions are not of my choosing but are mandated by the fact that we have no reserve from the present year. While most areas of education will have some slight reductions, there are some areas where I am recommending the same or slightly increased funding. In my recommendation, there are virtually no reductions in medical education nor are there reductions for programs which provide assistance to the handicapped or the afflicted. I am recommending that there be no reductions in the Minimum Program Fund.

While this is not a year of vast expansion or creation of new programs, I am recommending that two new programs be created for elementary and secondary education. I am recommending that an appropriation be made on a teacher unit basis to school systems to provide funds for necessary repairs and renovations. This is one area in which small expenditures, when timely made, can prevent large-scale problems. The initial appropriation is modest as demanded by the current fiscal situation but it is a good beginning.

I am also recommending that legislation be adopted to provide liability insurance coverage for our elementary and secondary classroom teachers and administrators. This will protect these people from personal liability on account of their actions while discharging their responsibilities.

I have been hearing advertisements on the radio with a

child's voice reciting that schools will lose their funding, that schools will lose teacher units, that children are sharing textbooks, and that elementary and secondary education is being ripped off. This is absurd and the lobbyists for the Alabama Education Association should be ashamed of themselves for spending the teachers' money to put this type thing on the radio and in the hands of school children when they know that this is not true. The facts are: The Minimum Program Fund is not going to lose one cent this year. I am not recommending that any education money be used for any purpose other than education in its truest sense of the word.

As far as textbooks are concerned, this year we had an appropriation of 6.2 million dollars to purchase free textbooks. The Department of Education has informed me that as of April 9, 1976, only $1.3 million of this appropriation has been spent. Every system in the State has a sizeable balance in its Free Textbook Account. The total balance statewide of unused money is $4.9 million.

And, when they talk about the Highway Department, they don't tell you that the taxpayers of this State are paying as much for teachers' retirement and Social Security as the amount of State funds going to the Highway Department.

With this in mind, I caution you that the matter of appropriating funds is a public trust. It is a matter which should be studied, considered, and acted upon by public officials of this State. As you make your deliberations, do not be taken in by lobby groups who have only the interest of their members at heart. Such groups have no official status and are not directly accountable to the people. The budget is too vital and meaningful to all the people of this State to be entrusted to any one other than duly elected public officials. You should not be tied to any lobby group but should be able and independent enough to consider all of the needs of our State. Once you have considered all of these needs, then I ask you to have the fortitude to cast your vote in such a manner that all needs will be considered and that one public function will not prosper at the expense of another. I entreat you to act accordingly.

* * *

Regarding the matter of pension funds in the State, let me say emphatically that we will not allow our pension programs to deteriorate and become unsound like those in New York City and Massachusetts, and I pledge to you that the pension plans for the public employees and teachers of Alabama will remain on their current actuarially sound basis, and I submit to you that the other retirement systems should be adequately funded.

To this end, I have directed that various legislation be prepared.

First, to raise the teacher and State employee contributions to their pension program from 5% to 6%, which would put the contribution in line with other states and Alabama's higher benefits. Teachers, State employees, and employees of cities and counties that joined the State Plan have among the highest pension benefits in the United States.

Second, I am proposing legislation which will place those individuals working toward supernumary status under the Employees' Retirement System paying their fair share and receiving the same high benefits as regular State employees.

District Attorneys will be required to contribute to the State General Fund a contribution of 1% less than the contribution rate for the Judges.

Third, in the matter of the Judiciary of this State, the new Judicial Article and the Judicial Retirement System have greatly increased financial demands upon the taxpayers of this State. We are all interested in having a fine judicial system and in providing financial incentives to attract qualified attorneys to serve in the Judicial Branch of Government. There should be an adequate but fair retirement program; however, under their existing program, Judges can become "half a millionaire" the day they retire. Currently, local Circuit Judges are getting a pension of $18,750 per year and Supreme Court Judges are getting over $25,000 per year, which is equal to $550,000 for each Judge who goes on the bench at age 35 and retires at age 53.

Widows of Judges are currently receiving $7,000-$10,000 per year, which is twice the benefit of an average teacher or State employee who works 40 years. The taxpayers are putting $38.50 into retirement for every $4.50 a Judge contributes.

Corrective legislation will call for a minimum of 10 years on the bench, a contribution of 12%, removal of the automatic pension increases, and widow's benefits will be paid on the same actuarial basis as teacher and State employee widows.

In conclusion, regarding pensions in Alabama, the economic times dictate reasonable contributions on the part of members.

* * *

One year ago this month, I called a Special Session of the Legislature for the specific purpose of affording you the opportunity to discharge the responsibility we share to the people of Alabama to take positive action and provide the tools for effective utility rate reductions in Alabama. The program submitted was approved by the House by overwhelming votes. The proposals I recommended were urged and approved by three separate legislative utility study committees. The Senate was denied a vote on the measures by a small group who blocked

consideration by a filibuster in the closing days of the session.

The issue of exorbitant utility rates continues. The people of Alabama — in fact, the people throughout America — are rightfully insisting that actions be promptly taken, that regulations be made effective, and that the utilities, like all of us, must "tighten their belts." The continued failure to forthrightly meet these issues will and should result in public citicism.

Again, I am calling this matter to your attention. I have three concrete proposals which should serve to provide some relief to the consuming public.

I am again proposing that this Legislature promptly adopt an amendment to the rate base statute to eliminate the 1971 provision for projected expenditures. The legislators who sponsored this 1971 provision now have condemned it as being unfair. The impact of this issue is realized when we note that one major utility claims almost a half billion dollars in its rate base as projected expenditures for the year following the end of the test period and by virtue of that provision seeks to have included that amount, not spent, in its rate base upon which it claims a rate of return should be applied.

I am also proposing a bill relating to the fuel clause under which electric utilities are permitted to automatically pass on to their customers any alleged increase in the cost of fuel. In any event, the amount of such automatic pass on, without notice and hearing, should be strictly limited and continued study should be made with respect to the advisability of prohibiting any such automatic provisions.

Next, I recommend prompt adoption of a bill which will require utilities and telephone companies in this State to refund moneys judicially determined to be excessive. No utility, no person should be permitted to keep moneys collected from consumers when it is judicially determined they were not entitled to the funds.

People throughout America are seeking answers to the astronomical increases in utility rates. In California, "life line" rates are being implemented and are being studied in Texas and other states. Briefly, a "life line" rate is a low, uniform charge for the first several hundred kilowatt hours consumed by a residential customer. I recommend that you look carefully at this concept to determine if it will benefit a substantial segment of the lower-income people without inadvertently benefiting the affluent. I am conscious of the fact that this approach has been facets but every avenue, every suggestion, every proposal should be carefully and thoroughly studied by the Public Service Commission and by members of

this Legislature. We must continue our efforts with diligence and dedication to bring an end to the continued increases in utility rates which have been imposed on the people. The importance of this issue is emphasized by the fact that the gross revenues of the three major utilities in Alabama — only three of them — approximated the total tax receipts for the State of Alabama in 1975.

The people of Alabama are looking to this Legislature to take action to provide the necessary legislation to make more effective regulation possible.

* * *

One of the greatest — if not THE greatest — tragedies of our time is the staggering rise in the crime rate. In economic terms, the cost to our national economy has been estimated at between 50 and 100 billion dollars. But in human terms, the heaviest burden falls upon the victims of murder, rape, robbery, drug use, and other crimes.

Since government was first organized, one of the prime duties and responsibilities has been the protection and preservation of the life and property of its citizens. The right to feel secure is embedded in our Constitution. Yet, Government appears to place less and less importance on the rights and privileges of the victims of crime while forgetting and neglecting the life and property of the victims.

In large degree, the courts have pampered and protected the so-called "rights of the criminals" with light sentences and probation to the point that fear of punishment is no longer a deterrent. If it is the constitutional duty of courts to protect the rights of the accused, then it is the duty of the Legislature to protect the rights of the peaceful law-abiding citizens.

Toward that end, I am recommending, and will have introduced, a package of bills dealing with crime, a portion of which would impose strict and certain punishment on habitual criminals who have committed violent crimes, legislation to require the serving of the entire sentence without parole by a person convicted of violent crimes resulting in injury to another person; legislation to require a mandatory life sentence without parole for a person convicted of his third crime of violence; and legislation to impose a mandatory additional one to ten years sentence on those persons convicted of felonies in which firearms are used.

I call upon you to support this package of legislation so that we can get more of the criminals convicted and off the streets.

* * *

I would like to discuss for a moment another important

matter that may come before the Legislature this Session. It is my understanding that there will be legislation introduced that would provide HOME RULE for local governments of this State. I support the concept of Home Rule and I want to take a moment to explain why.

Excluding resolutions, there were somewhere in the neighborhood of 3,000 bills introduced during the 1975 Regular Session of the Legislature. There were over 900 local bills introduced during the Session. This means that approximately one-third of all bills introduced during that Session were local bills affecting only one city or one county. Add to these the dozens of general bills affecting only cities and counties and you can only conclude that this Legislature is spending a great deal of its valuable time working on problems that should be taken care of by our local officials.

I think it is time for this Legislature to get on about the business of State Government and let local officials get on about the business of local government.

* * *

I am sure all of the members of the Legislature are keenly aware of the problem created for county and municipal governments by the Supreme Court's recent decisions abolishing governmental immunity. I have previously called this problem to your attention. Local governments are now subject to huge damage suits and verdicts. You have probably read of the filing of multi-million dollar damage suits against some of our cities. A tremendously large judgment against any of our counties or any of our cities would indeed be disastrous. Local governmental agencies need protection in this field and it is important that this Legislature afford this protection by enacting a comprehensive bill to permit counties and municipalities to limit their liability on tort claims and to purchase insurance to protect themselves. I urge your favorable action on legislation to solve this problem.

I invite your attention to these and other matters of concern to the Legislative and Executive Branches of State Government. I will be glad to receive your comments and suggestions and I pledge to you my cooperation in meeting the challenges now facing our Great State.

Thank you.

ALABAMA LAWS

And Joint Resolutions

REGULAR SESSION 1976

Act No. 1 H.J.R. 10—Albright

HOUSE JOINT RESOLUTION

COMMENDING THE LEE HIGH SCHOOL BAND OF HUNTSVILLE, ALABAMA, ON THEIR OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Lee High School Band of Huntsville, Alabama, was selected as the "Greatest Band in Dixie" on February 29, 1976, in New Orleans, Louisiana; and

WHEREAS, they have performed for the Atlanta Falcons, the New Orleans Saints, and have been the feature band on three occasions for the Alabama International Motor Speedway in Talladega, Alabama; and

WHEREAS, they have performed for Sky-Lab Crew I at the Alabama Space and Rocket Center in Huntsville and have performed for the Governor on his visits to Huntsville; and

WHEREAS, the band and its director have worked diligently, long and hard to achieve their outstanding record; and

WHEREAS, they have been faithfully supported by their parents in their hard and diligent work; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the Lee High School Band and wish them every success in their future endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to Band Director, Robert Baccus, and School Principal, Jasper Jenkins.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 2 H.J.R. 11—Harris

HOUSE JOINT RESOLUTION

WHEREAS, a group of friends of the late Senator O. J.

"Joe" Goodwyn have arranged for the painting and framing of a portrait of Senator Goodwyn and,

WHEREAS, such friends of Senator Goodwyn's are desirous of presenting said portrait to the Legislature of Alabama to be hung in an appropriate place in the State Capitol.

NOW, THEREOF, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Joint Session of the House and Senate be held on Tuesday, May 11, 1976, at 1:00 P.M. for a brief ceremony for the Legislature of Alabama to pay tribute to the life and public service of Senator Goodwyn and to receive the aforesaid portrait as a gift to the Alabama Legislature from the friends of Senator Goodwyn.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 3 H.J.R. 13—Malone

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JOHN STANLEY FOR THEIR 47TH WEDDING ANNIVERSARY

WHEREAS Mr. and Mrs. John Stanley celebrated the 47th year of their marriage on February 23rd; and

WHEREAS Mr. and Mrs. Stanley have contributed immeasurably to the betterment of their community and state; and

WHEREAS Mr. John Stanley has been quite active in many humanitarian and worthwhile causes such as playing Santa Claus for orphans and participating in the Shriners; and

WHEREAS Mrs. Lessie Stanley has contributed her time and talents to such worthwhile organizations as her church and Beta Sigma Phi Sorority; and

WHEREAS this Legislature would like to pay tribute to the Stanleys for their outstanding contributions to their community, state and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate the Stanleys upon celebrating their 47th wedding anniversary.

BE IT FURTHER RESOLVED, That copies of this resolu-

tion be sent to Mr. and Mrs. Stanley and members of their family.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 4 H.J.R. 15—Pegues, Campbell, Edwards, Lockett, Manley, Cross, and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN

WHEREAS, Senator Walter C. Givhan, our beloved friend and Dean of the Legislature, died on February 18, 1976, at his Safford home; and

WHEREAS, Senator Givhan, a native of Perry County, was born May 7, 1902; attended elementary and high schools in Linden; and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College, Dahlonega, Georgia; and

WHEREAS, Senator Givhan served untiringly and with unselfish dedication in the Alabama Legislature for over 38 years, establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS, Senator Givhan was first elected to the House in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms in the Senate; and

WHEREAS, this greaat leader's record of service is legendary—he was the leader in 1935 in the establishment of the Alabama Milk Control Board and Alabama Dairy Commission, thus stabilizing the milk industry in the State; he was instrumental in the establishment of a system of trade schools and junior colleges throughout the State; he fought for an inland docks system; he acted as an advocate for an improved highway system; and he was affectionately recognized as the "father of the Soybean movement in Alabama"; and

WHEREAS, this Black Belt farmer exhibited his abiding love for agriculture in crusading for agricultural benefits for the agri-business industry and during the last quarter of a century every major piece of legislation that had a bearing on farmers carried the indelible Givhan seal; and

WHEREAS, this true Southern gentleman was the navigator whose skillful direction steered this body through many turbulent waters onto a straight and purposeful course; and

WHEREAS, this body fondly recalls Senator Givhan's folksy but apothegmatic sayings, such as: "Never go back on an old friend to make a new one" and "This little bill isn't controversial—it just amends present law"; and

WHEREAS, Senator Givhan's wit and personal charm endeared him to all, whether friends or mere acquaintance, and particularly to the members of the legislature; and

WHEREAS, Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; and

WHEREAS, Senator Walter C. Givhan served since 1943 as a board member of the Alabama Farm Bureau Federation and as secretary-treasurer thereof since 1954; and was a mason, a member of the Royal Arch, a Democrat, a Methodist, a member of Central Chapel at Central Mills, and member of the Sigma Nu fraternity since 1921, which recently bestowed its 50-year pin on its distinguished brother; and

WHEREAS, we shall miss profoundly the wisdom and counsel of this great leader, Senator Walter C. Givhan, whom we have long admired and revered and have been honored to call our friend throughout many years of close association; and

WHEREAS, this legislature feels that words are inadequate to pay the proper tribute to this great but humble man, who was so dear to us, and whose many contributions to this great State will serve as a living monument to Senator Givhan; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the passing of one of its most beloved and distinguished leaders who has contributed so much to the progress and development of this State and the well-being of its citizens. We deeply mourn the death of our good friend and able colleague, and extend our heartfelt sympathy to the members of his family whose sense of loss we share.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Geneva Y. Givhan of Safford; his daughter, Mrs. Helen W. Lyons of Selma; his six sons: Walter H. and Samuel P. Givhan and James E. Whidby of Safford, Frank T. James of Birmingham, Joseph H. James of Alexandria, Virginia, and Glenn K. James of Uniontown; and to his three

brothers: Edward H. Givhan of Rainsville, Joseph P. Givhan of Mobile, and John A. Givhan of Safford.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 5 H.J.R. 16—Falkenburg, Gafford, Roberts and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

CONGRATULATING LOUISE FLETCHER ON WINNING THE PRESTIGIOUS ACADEMY AWARD FOR BEST ACTRESS OF THE YEAR

WHEREAS, Louise Fletcher's moving portrayal of Nurse Ratched in "One Flew Over the Cuckoo's Nest" captured the coveted Academy Award for Best Actress of the Year for her; and

WHEREAS, Louise Fletcher is a native born Alabamian from Birmingham where her parents, the Rev. and Mrs. Robert C. Fletcher, reside; and

WHEREAS, Miss Fletcher attended Glen Iris School and graduated from Ramsey High School in Birmingham, and attended All Saints Episcopal School in Vicksburg, Mississippi; and

WHEREAS, after two years at All Saints the talented Miss Fletcher continued her education at the University of North Carolina where she became a Playmaker; and

WHEREAS, Miss Fletcher's thespian abilities first surfaced when she taught Sunday School to the deaf children at her father's church by employing sign language and action to spread the message of the gospels; and

WHEREAS, Miss Fletcher has appeared in television series and movies over the years and now her perserverance, dedication to excellence and artistic professionalism have culminated in winning the Gold Globe Award and the elusive Oscar for her outstanding performance in the Academy-Award-studded film "One Flew Over the Cuckoo's Nest"; and

WHEREAS, Miss Fletcher, married to film producer, Jerry Bick, and the mother of two sons—John, age 13, and Andrew, age 14, resides in West Los Angeles; and

WHEREAS, the radiant, green-eyed, brunette daughter of Alabama has reached the pinnacle of her career and is an inspiration to her peers and audiences alike; and

WHEREAS, the people of Alabama are proud of Miss Fletcher's many achievements and wish to honor her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Louise Fletcher on her well-earned recognition in winning the prestigious Academy Award for Best Actress of 1975 and we sincerely wish her continued success in all of her future endeavors.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Miss Louise Fletcher and her parents, the Rev. Mr. and Mrs. Robert C. Fletcher.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 6 H.J.R. 17—Sonnier, McCorquodale, Malone, McCulley, Kinsey, McMillan, Cooper.

HOUSE JOINT RESOLUTION

NAMING THE TENSAW RIVER BRIDGE IN HONOR OF ADMIRAL RAPHAEL SEMMES

WHEREAS Admiral Raphael Semmes should be considered among this nation's greatest naval officers and as one of Alabama's most prominent citizens; and

WHEREAS Admiral Semmes began his distinguished naval career by commanding the heavy guns at the Battle of Vera Cruz during the Mexican War; and

WHEREAS Admiral Semmes served his beloved Alabama bravely and valiantly during the War Between the States. Raphael Semmes commanded the "Sumter" which captured seventeen merchant ships in the West Indies and along the coast of South America. As commander of the "Alabama", Semmes destroyed a Union whaling fleet and a federal steamer; and

WHEREAS Raphael Semmes served his state in peace as well as war as a lawyer, newspaper editor and as a military professor; and

WHEREAS this legislature wishes to pay tribute to this memorable Alabamian; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tensaw River Bridge on Battleship Parkway on United States Highway 90 shall henceforth be named the Admiral Raphael Semmes Bridge and that appropriate markers be placed thereon.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 7 H.J.R. 20—Robertson, Gregg, Drake

HOUSE JOINT RESOLUTION

TO EXPRESS THE INTENT OF THE LEGISLATURE THAT THE BOARD OF CORRECTIONS SHALL DEVELOP AN INMATE WORK FORCE CAPABLE OF CONSTRUCTING STATE FACILITIES

WHEREAS it is the intent of this legislature that the Board of Corrections shall immediately begin to develop an inmate work force capable of constructing prison facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities; and

WHEREAS the inmate work force should at all times be under the proper supervision of the Board of Corrections; and

WHEREAS the inmate work force should be developed in conjunction with Ingram Trade School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the legislature that the Board of Corrections begin immediately to develop an inmate work force with proper supervision capable of constructing facilities projected to be needed by the Board of Corrections and also capable of constructing other needed state facilities.

Approved May 18, 1976.

Time: 11:30 A.M.

Act No. 8 H.J.R. 4—Rich

HOUSE JOINT RESOLUTION

WHEREAS, in this Bicentennial year the Spirit of '76 should be felt by all members of the Legislature, and

WHEREAS, the Spirit of '76 Singers exemplify the true patriotic spirit that we all share, and

WHEREAS, a performance by these singers would certainly start our session in 1976 off on a good note

THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, THE HOUSE AND SENATE CONCURRING, That today, May 4, 1976, at 1:30 p. m. we shall go into informal recess to hear these singers perform.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 9 H.J.R. 6—Reed

HOUSE JOINT RESOLUTION

COMMENDING JAMES BROWN FOR HIS BRILLIANT CAREER AS A SOUL MUSICIAN.

WHEREAS, James Brown is a shining example of the great American dream that came true; in his childhood days, he picked cotton after school in order to supplement his parent's income and today he is the most popular soul musician in the country; and

WHEREAS, James Brown is a great showman who has described himself as "75% businessman and 25% talent"; in addition to performing, he is a songwriter, arranger, choreographer and clothes designer; and

WHEREAS, James Brown's single records have averaged over a million apiece in sales, with four of them selling over 20 million;

WHEREAS, James Brown has made great contributions to society by using his success to encourage young people to stay in school and get an education; and

WHEREAS, James Brown typifies the adage that hard work is the key to success; he works 335 days per year.

WHEREAS, the Legislature of Alabama wishes to commend such an outstanding American as James Brown and express its good wishes on his future endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James Brown be commended and congratulated for his successful endeavors as a soul musician.

RESOLVED FURTHER, That a copy of this resolution shall be delivered to Mr. Brown.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 10 H.J.R. 7—Callahan

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REPRESENTATIVE JOHN L. LEFLORE

WHEREAS, The State of Alabama has suffered a severe loss in the untimely death of State Representative John L. LeFlore who passed away in Mobile, January 30, 1976, and

WHEREAS, John L. LeFlore, in addition to being our beloved and admired colleague in the Alabama House of Representatives, was an outstanding citizen who dedicated his entire life toward the betterment of his fellow man, and

WHEREAS, John L. LeFlore, among many other honors, was a candidate for the United States Senate, a member of the Mobile Housing Board, a director of the Mobile Committee for the Support of Public Education, a member of the Federation of Human Rights, a member of the Alabama Council for Family Planning, was a director of Mobile United and the Salvation Army, and numerous other local, state and national associations and committees, and

WHEREAS, John L. LeFlore's death leaves a void that cannot be replaced, and a memory that will be forever lasting in the minds and hearts of his family and many thousands of friends, and

WHEREAS, John L. LeFlore is survived by his widow, Mrs. Teah Beck LeFlore; two daughters, Mrs. Ruth L. Ward and Mrs. Eleanor L. Townsend; three sons, John, Walker and Wilbur LeFlore; a brother, George LeFlore; and other relatives;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved and extend our heartfelt sympathy to the members of his family to whom copies of this resolution shall be sent.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 11 H.J.R. 21—Venable, Plaster

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM FRANKLIN HOLT OF WETUMPKA.

WHEREAS Mr. William Franklin Holt was a life long resident of Wetumpka, Alabama, where he served for 22 years as Wetumpka Chief of Police; and

WHEREAS Mr. Holt was in 1970 appointed to the important post of Elmore County Tax Assessor, being elected to a full six year term in 1972, serving with distinction in this high office; and

WHEREAS Mr. Holt was a loved and respected member of the community and an active member of the First United Methodist Church and the J. Bruce Airey Sunday School Class; and

WHEREAS Mr. Holt also gave of his time and efforts to his community through the Wetumpka Kiwanis Club, which he served as president, and the Wetumpka American Legion Post; and

WHEREAS William Franklin Holt exhibited throughout his life those admirable attributes of friendliness, devotion to his profession, and concern for his fellowman; and

WHEREAS the lives of those he came in contact with have been greatly enriched; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Mr. William Franklin Holt and express our deep and sincere sympathy to his wife, Blanche Daniels Holt, and son, Ellis Holt, and other members of his family to whom copies of this resolution shall be sent.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 12 H.J.R. 22—Carter

HOUSE JOINT RESOLUTION

COMMENDING ATHENS BIBLE SCHOOL'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON

WHEREAS, the Athens Bible School's basketball team won the Alabama High School State 1A Basketball Championship with a record of 26 wins and 10 losses; and

WHEREAS, the Athens Bible School's basketball team won the state championship in grand style by defeating the No. 4, No. 3, No. 2, and No. 1 teams in the state; and

WHEREAS, the Trojans also won the Bi-State Bible School Tournament in Nashville, Tennessee; and

WHEREAS, these young men had a dream to become state champions and by working long, hard and diligently the team achieved its goal. The Trojans played intelligent and outstanding basketball on both the offensive and defensive ends of the court; and

WHEREAS, the Trojans were headed by the seniors who displayed excellent leadership both on and off the court. These young men achieved an impressive record of 119 wins and 26 losses since the 6th grade; and

WHEREAS, Coach Wayne Kuykendall is due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which he instilled in these fine young men; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Athens Bible School's basketball team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Cliff Buchannan, Coach Wayne Kuykendall and to each team member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 13 H.J.R. 23—Carter

HOUSE JOINT RESOLUTION

COMMENDING THE ATHENS HIGH SCHOOL'S FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS the Athlens High School's football team won the state 3A high school football championship and went undefeated in their division; and

WHEREAS the Athens High School's football team compiled an impressive record of 12 wins, one loss and one tie and displayed great desire by winning 12 straight games after losing and tying their first two games; and

WHEREAS the Golden Eagles were headed by their seniors

who displayed outstanding leadership. The seniors achieved an outstanding varsity record losing only six games in three years; and

WHEREAS Athens High School's football team worked diligently, long and hard to achieve this outstanding record. The team rushed, blocked, passed, punted and tackled with spectacular ability; and

WHEREAS the coaching staff is due much credit not only for the high degree of technical skill displayed in team play but also for instilling a great spirit and a will to win in these fine young men; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Athens High School's football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coaches and to each team member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 14 H.J.R. 24—McNees

HOUSE JOINT RESOLUTION

COMMENDING MRS. KATHLEEN BRAGG ON BEING NAMED 1976 ALABAMA MOTHER OF THE YEAR.

WHEREAS Mrs. Kathleen Bragg of Vernon has received the distinguished honor of being named Alabama's Mother of the Year for 1976; and

WHEREAS Mrs. Bragg is not only devoted to her husband and three children but has time to share with her fellow citizens;

WHEREAS Mrs. Bragg, among her many activities, has served as the president of the United Daughters of the Confederacy, division chapter chairwoman of Delta Zeta, and as a worker for the Heart Fund, the March of Dimes, and the American Cancer Society; and

WHEREAS hundreds of students of Lamar County High School lives have been influenced by the teaching and wise counsel of Mrs. Bragg, and have been touched by her many personal kindnesses and her quiet understanding; and

WHEREAS Mrs. Bragg's concern for her family, her fellowman, and her special interest in young people has had a positive effect on many Alabamians; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Kathleen Bragg upon being named Alabama's Mother of the Year for 1976.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Bragg and her family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 15 H.J.R. 25—McNees

HOUSE JOINT RESOLUTION

COMMENDING FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL AND INDUSTRIAL CLUB.

WHEREAS the Fayette County High School's Vocational and Industrial Club was selected as the outstanding club in the state; and

WHEREAS the club had several of its students to win individual honors at the annual statewide leadership conference; and

WHEREAS these young people have worked long, hard and diligently to achieve this recognition; and

WHEREAS Mr. Jerry Lindsey is due much credit for supervising the club and instilling the attributes which will make these young men and women the outstanding citizens of tomorrow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Fayette County High School's Vocational and Industrial Club of America for being selected the outstanding club in the state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Lindsey and each club member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 16 H.J.R. 26—McNees

HOUSE JOINT RESOLUTION

COMMENDING MRS. RAY JORDAN FOR HER CONTRIBUTIONS IN THE FIELD OF PUBLIC HEALTH.

WHEREAS Mrs. Ray Jordan is retiring from the public health field after over 40 years of service; and

WHEREAS Mrs. Jordan has always been ready to contribute to the needs of her neighbors and for the progress and betterment of her community; and

WHEREAS Mrs. Ray Jordan was instrumental in reactivating the Lamar County Health Department and organizing it to successfully perform its vital services; and

WHEREAS Mrs. Jordan's service as director of nursing at Lamar County Hospital and as a public health nurse in Lamar County improved the quality of life and health of countless Alabamians; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Ray Jordan for her outstanding contributions in the field of public health.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Jordan and her family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 17 H.J.R. 27—Plaster

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF OSCAR H. JONES, SR.

WHEREAS, The Alabama Legislature has noted with a sense of deep regret the passing of Mr. Oscar H. Jones, Sr., of Autauga County; and

WHEREAS, Mr. Jones contributed immeasurably to the enrichment of our social, cultural and economic lives; and

WHEREAS, A few of the many contributions be made to society and the esteem with which he was held by his fellowman are shown by the following list, viz:

I. PROFESSIONAL AND BUSINESS AFFILIATIONS

A. Past President of:

1. Alabama Crop Improvement Association
2. Alabama Farm Bureau Pork Promotion Committee
3. Autauga County Farm Bureau
4. Autauga County Cattleman's Association
5. Autauga County Swine Producers Association

B. Member Board of Directors of:
 1. Alabama Beef Cattle Improvement Association
 2. Central Alabama Farmers Cooperative

C. Honorary Chapter Farmer — Autauga County High School FFA (Future Farmers of America)

D. Master Farm Family 1963 (Alabama) — Progressive Farmer

E. Past County Committeeman — Autauga County Agricultural Stabilization and Conservation Service

F. Member American National Cattleman's Association

G. Past member Alabama Farm Bureau Beef Cattle Committee

H. Past member Board of Directors Autauga Quality Cotton Association

II. CHURCH AFFILIATION

Past President of Methodist Men's Club of First United Methodist Church, Prattville, Alabama

Member First United Methodist Church, Prattville, Alabama, 1946-1973. Served as member of Official Board, Superintendent of Adult Sunday School Classes and as a Trustee

At the time of death, he was a member of Pleasant Hill United Methodist Church and was a member of the Official Board and a Trustee

III. CIVIC AND OTHER

Past President of: Prattville Lions Club
Autauga County Wildlife Association

Past Director of Alabama Wildlife Federation

WHEREAS, Mr. Jones was a devoted community builder who served his people with great love and dedication. He promoted progress in agriculture and cattle breeding and gave generously of his time, knowledge and efforts to help achieve it; and

WHEREAS, Mr. Jones was a true Southern Gentleman whose advice and counsel was sought by people in all walks of life to betterment of mankind; and

WHEREAS, The famous dove hunts he hosted will long be remembered by his many friends; and

WHEREAS, Mr. Jones' enthusiasm for his work, his de-

voted services to his community, his wit and personal charm endear him to all who knew him; and

WHEREAS, This legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Oscar H. Jones, Sr., and express our deep and sincerest sympathy to his widow, Mrs. Katie Johnson Jones, his daughter, Mrs. June Wright, and his two sons, Oscar H. Jones, Jr., and Frank D. Jones, to whom copies of this resolution shall also be sent to *The Prattville Progress.*

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 18 H.J.R. 29—Cooper

HOUSE JOINT RESOLUTION

COMMENDING THE 31st ENGINEER COMPANY OF THE ALABAMA NATIONAL GUARD FOR THEIR CIVIC AND COMMUNITY PROJECTS.

WHEREAS, the 31st Engineer Company of the Alabama National Guard has performed many civic and community projects for the betterment of the community; and

WHEREAS, they have recently performed land moving and tree removal services for the Dearborn Street Community Center of Mobile; and

WHEREAS, this is typical of the fine civic spirit of the officers and men of the 31st Engineer Company; and

WHEREAS, the Legislature wanted to officially recognize them and thank them for their service to their fellow citizens and their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do officially thank the 31st Engineer Company of the Alabama National Guard for their many civic projects and endeavors and their fine community spirit.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the 31st Engineer Company as a token of the gratitude of their fellow citizens.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 19 H.J.R. 31—Dial

COMMENDING THE DELTA COMMUNITY CLUB OF CLAY COUNTY.

WHEREAS, the Delta Community Club of Clay County has made outstanding contributions to the county by their participation in the county March of Dimes Drive, the Cancer Drive, the Heart Fund, as well as sponsoring the Volunteer Fire Department and various other basketball sponsored projects for Clay County young people; and

WHEREAS, the Club sponsored various fund raising projects during 1974-1975 amounting to almost $3,000.00 to help pay off the debt owed by the Delta Community Center for improvements to the Center; and

WHEREAS, the Club won the 1975 Resource and Leadership Development Program, a state-wide award given in recognition of outstanding community volunteer work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend the outstanding accomplishments of the Delta Community Club, and encourage its continued fine work for the Clay County Community.

RESOLVED FURTHER, That a copy of this resolution be sent to each of the following club officers who were so instrumental in the success of the club: Mr. James Williams, President 1975; Mrs. Mary Smith, Secretary 1975; and Mrs. Thora Sewell, Treasurer and Historian 1975.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 20 H.J.R. 32—Dial

HOUSE JOINT RESOLUTION

COMMENDING H. S. LANGLEY UPON HIS RETIREMENT AS CLAY COUNTY ENGINEER.

WHEREAS, on February 27, 1976, Mr. H. S. Langley of Ashland retired after 18 years of distinguished service as Clay County Engineer; and

WHEREAS, Mr. Langley is a native of Tallapoosa County who graduated with an engineering degree from the University of Alabama in 1930 and has more than 35 years experience in his chosen profession; and

WHEREAS, during Mr. Langley's tenure as county engineer, four of the six major bridges in that county were constructed and the number of miles of paved roads in Clay County increased from 160 in 1958 to over 400 in 1976; and

WHEREAS, Mr. Langley has been a dedicated public servant who has contributed immeasurably to the progress of his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. H. S. Langley for his service as County Engineer of Clay County and wish him a most successful and happy retirement from that office.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. H. S. Langley.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 21 H.J.R. 33—Baker, Whatley

HOUSE JOINT RESOLUTION

COMMENDING THE "OLD COURTHOUSE ASSOCIATION" OF RUSSELL COUNTY FOR ITS LEADERSHIP IN SPEARHEADING THE DRIVE TO RESTORE THE OLD COURTHOUSE AT SEALE, ALABAMA.

WHEREAS the old courthouse at Seale, Alabama, is the oldest courthouse in East Alabama and has been added to the National Register of Historic Places. The courthouse was built in 1868; and

WHEREAS Russell countians are proud of their heritage and the many historical sites that are located in the county; and

WHEREAS the Old Courthouse Association has exemplified dedication and hard work through their many money raising activities. Their project has drawn the people together from all segments of Russell County to work for one goal, "to restore the Old Courthouse"; and

WHEREAS on May 22nd there will be an Arts and Crafts Show on the courthouse grounds with proceeds to go to the restoration of the courthouse; and

WHEREAS the building has 10,000 usable square feet. Potential uses of the building are: possible office space, museum to display collections ranging from Indian occupation of Russell County to the early white settlers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do wish the Old Courthouse Association of Russell County every success in their endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Helen Joerg, President of the Old Courthouse Association, Mr. Charles Tignor, and the Phenix Citizen Newspaper.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 22 H.J.R. 34—Baker, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE GLENWOOD HIGH SCHOOL FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS, the Glenwood High School Football Gators completed a very successful season in 1975, compiling a record of 9 wins and 1 loss, during regular season; and

WHEREAS, the Glenwood Gators played in the semifinals of the Alabama Class A Playoffs of the Alabama Private School Association; and

WHEREAS, the Glenwood Gators worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS, Coach Sammy Howard and his assistant coaches; John Edmonds, J. N. Carter, Dan Camp and Joe Albrecht are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Glenwood High School Football Team of Phenix City for its outstanding record.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to be presented to the Headmaster, Mr. Mickey Tucker and to head football coach Sammy Howard and each of his assistants and to each member of the team.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 23 H.J.R. 35—Baker, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

MOURNING THE DEATHS OF MARVIN TALBOT, PAULETTE STOKES, JESSE CHAMBERS, ETRIS SANDERS, HELEN DAVIS, AND BETTY WORD.

WHEREAS the Alabama legislature has noted with a sense of deep regret the tragic deaths of Marvin Talbot, Paulette Stokes, Jesse Chambers, Etris Sanders, Helen Davis, and Betty Word all of whom were from Phenix City, Alabama; and

WHEREAS these fine people were devoted to their families and community and will sorely be missed; and

WHEREAS these citizens strove to treat their fellowmen fairly and with love; and

WHEREAS their contributions to their fellow citizens and community will continue long after their death; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the deaths of Marvin Talbot, Paulette Stokes, Jesse Chambers, Etris Sanders, Helen Davis, and Betty Word and express our deep sincere sympathy to their families to whom copies of this resolulution shall be sent.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 24 H.J.R. 37—Baker, Whatley, Higginbotham, Williams

HOUSE JOINT RESOLUTION

COMMENDING THE CENTRAL HIGH SCHOOL (PHENIX CITY) FOOTBALL TEAM ON THEIR OUTSTANDING SEASON.

WHEREAS, the Central High School Football Red Devils of Phenix City completed a very successful season in 1975, compiling a record of 8 wins and 2 losses; and

WHEREAS, the Red Devils worked diligently, long and hard to achieve this outstanding record. The team ran, blocked, tackled, and passed with spectacular ability; and

WHEREAS, Coach Wayne Trawick and his assistant coaches; Ric Hall, Horace Crump, Phil Elder and Howard Walker are due much credit not only for the high degree of

technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to any winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Central High School Football Team for its outstanding record.

BE IT FURTHER RESOLVED, That sufficient copies of this resolution be sent to be presented to the Principal, Mr. Otis Kirkland, head coach Wayne Trawick and his assistant coaches and each member of the team.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 25 H.J.R. 38—Moore (O)

COMMENDING MISS JANE CULBRETH.

WHEREAS, Miss Jane Culbreth of Leeds, Alabama, has been selected President-Elect of the National Federation of Business and Professional Women; and

WHEREAS, Miss Culbreth has served her state in many capacities including the Alabama Advisory Council for Comprehensive Health Planning, the Executive Committee of the Alabama League of Municipalities, the Sub-Committee of Jury Service for Women under the Governor's Commission on the Status of Women; and as President of the Joint Legislative Council of Alabama; and

WHEREAS, Jane Culbreth has contributed her time and talents to such community activities as Alderman on the City Council of Leeds, Alabama, as Chairwoman of the Leeds Public Library Board, and as a member of the Bicentennial Commission of Leeds; and

WHEREAS, this legislature would like to commend Miss Culbreth on becoming President-Elect of the National Federation of Business and Professional Women and for her outstanding contributions to her community, state, and nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Jane Culbreth for her exceptional achievements.

BE IT FURTHER RESOLVED, That copies of this reso-

lution be sent to Miss Culbreth.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 26 H.J.R. 45—Campbell, McCorquodale, Manley, Peeues, Lockett, Dial, Clark, Edwards

HOUSE JOINT RESOLUTION

COMMENDING THE LIVINGSTON UNIVERSITY FOOTBALL TEAM FOR ITS OUTSTANDING 1975 SEASON.

WHEREAS the Livingston University Football Team was named the N. C. A. A. Division II Midwest Regional Champions with an outstanding ten win three loss record; and

WHEREAS the Livingston University Football Team finished sixth in the nation according to the Associated Press Small College Poll; and

WHEREAS the Tigers defeated number one ranked University of North Dakota in Grand Forks, North Dakota by a score of 34-14 in the opening round of the N. C. A. A. Division II playoffs; and

WHEREAS the Livingston University Football Team was the first team from the State of Alabama and the Gulf South Conference to participate in the N. C. A. A. Division II football playoffs and was the first small college team in Alabama and the first Gulf South Conference team ever to appear on television; and

WHEREAS the Tigers appeared on regional television in the Pioneer Bowl which received an audience of more than 60 percent of the United States through ABC sports; and

WHEREAS the Livingston University Football Team finished second in the nation in rushing offense in both the N. C. A. A. and the N. A . I . A. and led the Gulf South Conference in rushing for the third consecutive year; and

WHEREAS the Tigers finished second in the Gulf South Conference; and

WHEREAS the Tigers captured the hearts of football fans across the nation with a revolutionary no-huddle offense; and

WHEREAS Athletic Director and Head Coach Jim King was named Coach of the Year by the Gulf South Conference for the second consecutive year and was named Coach of the

Year in N. A. I. A. District 27 and by the All-Alabama Small College Team selected by the *Birmingham Post-Herald;* and

WHEREAS the Tiger's had five All-American players, seven All-Gulf South Conference players, five players on the N. A. I. A. District 27 All-District Team and eight players on the All-Alabama Small College Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Livingston University Football Team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President of Livingston University, Head Coach King, his assistant coaches and each team member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 27 H.J.R. 48—Ford

HOUSE JOINT RESOLUTION

HONORING DR. EARL S. DANIEL AS DIRECTOR OF THE STATE JUNIOR AND COMMUNITY COLLEGE SYSTEM.

WHEREAS, Dr. Earl S. Daniel, Director of the State Junior and Community College System, has distinguished himself as one of Alabama's outstanding educational leaders and citizens; and

WHEREAS, under his direction, the state system has expanded to include fourteen junior colleges and six community colleges while experiencing a growth in enrollment of 88% in three years which is almost unheard of in higher education today; and

WHEREAS, Dr. Earl S. Daniel has demonstrated his ability in reorganizing higher education at the state level in the critical areas of federal programs, student personnel, academic programs and financial affairs; and

WHEREAS, under Dr. Daniel's direction, the junior and community colleges have shown a genuine concern for community needs; and

WHEREAS, Dr. Daniel's interest in education involves his participation in the American Association of Junior and Community Colleges, the National Association of School Boards, Kappa Delta Pi, Alabama Vocational Association, The Alabama Council for School Administration and Supervision, the National Association of State Directors of Junior and Community

Colleges, the Alabama Association of Higher Education Administrators, and other organizations; and

WHEREAS, Dr. Earl S. Daniel has been so instrumental in the organization and administration of education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the many contributions Dr. Daniel has made toward education, and we wish to express our appreciation and admiration for such services.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Earl S. Daniel.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 28 H.J.R. 49—Wyatt, Barron, Harris, Holmes (A), Lewis, Plaster

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF POLICE MOTORCYCLE OFFICER WILLIAM EVANS NOBLE.

WHEREAS, the Alabama Legislature has noted with regret the passing of Officer William Evans Noble of the Montgomery Police Traffic Division; and

WHEREAS, Officer William Evans Noble was killed Wednesday May 5, while on active duty rushing to the scene of an accident; and

WHEREAS, Officer William Evans Noble received several commendation letters in his police career beginning in June, 1970; and

WHEREAS, Officer William Evans Noble served in the maintenance of law enforcement which is so vital to our community; and

WHEREAS, Officer William Evans Noble is sorely missed by his loved ones and many friends; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Motorcycle Officer William Evans Noble, which acknowledging his admirable service in law enforcement. Also this body wishes to express our full sympathies to his wife and two children.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 29 H.J.R. 51—Waggoner, Moore (O), Smith (C)

COMMENDING THE THOMPSON HIGH SCHOOL BASKETBALL TEAM FOR WINNING THE 3A CHAMPIONSHIP FOR THE YEAR 1976.

WHEREAS the Thompson High School of Shelby County, Alabama won the State of Alabama 3A Basketball Championship; and

WHEREAS the Thompson High School Warriors defeated the Guntersville High School in a dramatic 82 to 69 game in order to win the State Championship; and

WHEREAS in order to attain the playoff for the State Championship, the Warriors had a 25-6 record for the season; and

WHEREAS the Warriors worked diligently, long and hard to achieve an outstanding level of perfection. The team made foul shots, jump shots, and rebounds with spectacular ability; and

WHEREAS this team is due much recognition for an outstanding season record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend The Thompson High School Basketball Team on winning the State of Alabama 3A Basketball Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaching staff and to each member of the team.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 30 H.J.R. 55—Baker, Smith (M), Higginbotham, Whatley

COMPLIMENTING MISS JENNIFER DOUGLAS UPON BEING CHOSEN "LITTLE MISS PHENIX CITY" FOR 1976.

WHEREAS lovely Little Miss Jennifer Douglas, who is

the five year old daughter of Mr. and Mrs. James R. Douglas of Phenix City, Alabama was crowned "Little Miss Phenix City" for 1976; and

WHEREAS Jennifer Douglas is in the First grade at Glenwood Elementary School; and

WHEREAS Jennifer exemplified the charm and grace that captured the hearts of all the people in attendance at the pageant; and

WHEREAS we wish Jennifer every success and the best of luck in her years ahead; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Jennifer Douglas is complimented and congratulated upon winning the title of "Little Miss Phenix City" of 1976.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to the parents of Jennifer Douglas and to the Phenix City Jaycees.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 31 H.J.R. 56—Baker, Smith (M), Higginbotham, Whatley

HOUSE JOINT RESOLUTION

COMPLIMENTING MISS KAY BUSH UPON BEING CHOSEN "MISS PHENIX CITY" FOR 1976.

WHEREAS the lovely Kay Bush, who is the 18 year old daughter of Mr. and Mrs. Ray Bush of Phenix City, Alabama was crowned "Miss Phenix City" for 1976; and

WHEREAS Miss Bush is a graduate of Glenwood School and is currently attending Auburn University where she is majoring in elementary education; and

WHEREAS Miss Bush is a vocalist with the Auburn Knights, and demonstrated her talent by singing in talent competition; and

WHEREAS Miss Bush will represent Phenix City in the upcoming Miss Alabama Contest; and

WHEREAS we wish Miss Bush every success and the best of luck in the Miss Alabama pageant; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Kay Bush is complimented and congratulated upon winning the title of "Miss Phenix City" for 1976 and we do wish her every success in her future endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Miss Bush and to the Phenix City Jaycees.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 32 H.J.R. 58—Carothers, Smith (J)

HOUSE JOINT RESOLUTION

COMMENDING MISS KIMBERLY MARIE TRAWICK FOR BEING NAMED MISS ALABAMA TEENAGER.

WHEREAS, Miss Kimberly Trawick of Cottonwood, Alabama was selected campus beauty of Cottonwood High School in 1973; and

WHEREAS, Miss Kimberly Trawick was awarded Miss Ideal as well as Miss Sportswear and Miss Photogenic in 1974; and

WHEREAS, in 1975 she was voted Miss Cottonwood and received honors as first alternate for Miss National Peanut; and

WHEREAS, Miss Kimberly Trawick won recognition for Miss Alabama Teneager 1976, as well as for winning the Junior Academy of Science State Paper Reading and Miss Alabama Teenager Essay Award; and

WHEREAS, Miss Kimberly Trawick has shown a keen interest in state and local contests and has demonstrated her ability in these contests; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to congratulate Miss Kimberly Trawick for her success in Miss Alabama Teenager and other contests.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Kimberly Trawick and to her proud parents, Mr. and Mrs. Sid Trawick.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 33 H.J.R. 63—Hines

HOUSE JOINT RESOLUTION

INVITING DR. GEORGE BETO TO ADDRESS A JOINT SESSION OF THE LEGISLATURE ON MAY 20, 1976.

WHEREAS, Dr. George Beto is one of the most outstanding authorities on prison systems and prison reform in the United States of America; and

WHEREAS, prison reform is one of the most pressing problems facing the Alabama Legislature; and

WHEREAS, it is desirous that the legislature have Dr. Beto address it on the question of prison reform in Alabama followed by a question and answer period after his address; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do most respectfully request Dr. George Beto to address a joint session of the legislature on May 20 for the purpose of discussing prison reform in Alabama to be followed by a question and answer period after his address.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Beto by the Clerk of the House.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 34 H.J.R. 64—McCorquodale and the Entire Membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMMENDING LUCILE K. FERGUSON UPON HER RETIREMENT AS CAPITOL HOSTESS FOR THE STATE OF ALABAMA.

WHEREAS, Lucile K. Ferguson has served admirably in her position as capitol hostess beginning in November, 1963; and

WHEREAS, Lucile K. Ferguson has taken numerous school children, out-of-state visitors, and Alabama citizens on tours of this Capitol; and

WHEREAS, Lucile K. Ferguson has warmly greeted all tourists and assisted them with needed information concerning the State of Alabama's capitol and history; and

WHEREAS, Lucile K. Ferguson has elected to retire on May 31, 1976, after thirteen years of devoted service, kindness, and duty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges their deep appreciation for Lucile K. Ferguson's services and wishes her a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lucile K. Ferguson and to her family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 35 H.J.R. 65—Reed

HOUSE JOINT RESOLUTION

CONGRATULATING THE D. C. WOLFE HIGH SCHOOL BAND UPON BEING SELECTED ALABAMA'S BICENTENNIAL BAND.

WHEREAS the D. C. Wolfe High School Band exhibits outstanding musical ability; and

WHEREAS because of this talent the "Lean Mean Green Machine" has been selected the official Alabama Bicentennial Band; and

WHEREAS the D. C. Wolfe High School Band will represent Alabama in Philadelphia on the fourth of July in the bicentennial celebration; and

WHEREAS the D. C. Wolfe Band is also the Bicentennial Band for South Alabama; and

WHEREAS the "Lean Mean Green Machine" is under the field leadership of Jimmy Ellis, drum major, and Glenda Jeter, head majorette; and

WHEREAS the D. C. Wolfe High School Band is under the capable leadership of band director Charles J. Smith, Sr.; and

WHEREAS all of Alabama will be proud to be represented by this outstanding group of young men and women; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we congratulate the "Lean Mean Green Machine" of D. C. Wolfe High School for being selected as Alabama's Bicentennial Band.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Smith, the band director, and Mr. Guy M. Crawford, the principal of D. C. Wolfe High School.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 36 H.J.R. 71—Howard

HOUSE JOINT RESOLUTION

COMMENDING MISS DEBRA WOODWARD UPON HER RECEIVING A FORD FOUNDATION FELLOWSHIP.

WHEREAS, Debra Woodward is a senior at Samford University and a member of the Starlight Baptist Church; and

WHEREAS, Debra Woodward is a member of Sigma Tau Delta, an English honor fraternity; Delta Omicron, a music honor fraternity; Pi Gamma Mu, social science honor fraternity; and Kappa Delta Pi, an education honor fraternity; and

WHEREAS, Debra Woodward is a dean's list student who is presently listed in "Who's Who in American Colleges and Universities" as well as being a winner of a Brevard Music Scholarship; and

WHEREAS, Debra Woodward has been awarded a Ford Foundation Fellowship in the amount of four thousand dollars plus tuition fees at the graduate school of her choice; and

WHEREAS, The Ford Foundation Fellowship is awarded to outstanding college seniors on the basis of academic record, leadership, and campus activities; and

WHEREAS, Debra Woodward was the only Alabamian to be chosen for the Ford Foundation Fellowship; and

WHEREAS, Debra Woodward has excelled brilliantly in various fields of education; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Miss Debra Woodward for her many achievements and encourages her toward future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Debra Woodward and to her family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 37 S.J.R. 1—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF SENATOR WALTER C. GIVHAN.

WHEREAS, Senator Walter C. Givhan, our beloved friend and Dean of the Legislature, died on February 18, 1976, at his Safford home; and

WHEREAS, Senator Givhan, a native of Perry County, was born May 7, 1902; attended elementary and high schools in Linden; and in 1921 received his Bachelor of Science degree in agriculture from North Georgia College, Dahlonega, Georgia; and

WHEREAS, Senator Givhan served untiringly and with unselfish dedication in the Alabama Legislature for over 38 years, establishing more tenure in the legislature than anyone in Alabama history; and

WHEREAS, Senator Givhan was first elected to the House in 1930, where he served for sixteen years and in 1954 was elected for the first of six terms in the Senate; and

WHEREAS, this great leader's record of service is legendary — he was the leader in 1935 in the establishment of the Alabama Milk Control Board and Alabama Dairy Commission, thus stabilizing the milk industry in the State; he was instrumental in the establishment of a system of trade schools and junior colleges throughout the State; he fought for an inland docks system; he acted as an advocate for an improved highway system; and he was affectionately recognized as the "father of the Soybean movement in Alabama"; and

WHEREAS, this Black belt farmer exhibited his abiding love for agriculture in crusading for agricultural benefits for the agri-business industry and during the last quarter of a century every major piece of legislation that had a bearing on farmers carried the indelible Givhan seal; and

WHEREAS, this true Southern gentleman was the navigator whose skillful direction steered this body through many turbulent waters onto a straight and purposeful course; and

WHEREAS, Senator Givhan exemplified humility, great dignity, loyal representation and outstanding statesmanship; and

WHEREAS, Senator Givhan's wit and personal charm endeared him to all, whether friend or mere acquaintance, and particularly to the members of the legislature; and

WHEREAS, this body fondly recalls Senator Givhan's folksy sayings, such as: "Never go back on an old friend to make a new one" and "This little bill isn't controversial — it just amends present law"; and

WHEREAS, Senator Walter C. Givhan served since 1943 as a board member of the Alabama Farm Bureau Federation and as secretary-treasurer thereof since 1954; and was a mason, a member of the Royal Arch, a Democrat, a Methodist, a member of Central Chapel at Central Mills, and member of the Sigma Nu fraternity since 1921, which recently bestowed its 50-year pin on its distinguished brother; and

WHEREAS, we shall miss profoundly the wisdom and counsel of this great leader, Senator Walter C. Givhan, whom we have long admired and revered and have been honored to call our friend throughout many years of close association; and

WHEREAS, this legislature feels that words are inadequate to pay the proper tribute to this great but humble man, who was so dear to us, and whose many contributions to this State will serve as a living monument to Senator Givhan; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama has suffered a severe loss in the passing of one of its most beloved and distinguished leaders who has contributed so much to the progress and development of this State and the well-being of its citizens. We deeply mourn the death of our good friend and able colleague, and extend our heartfelt sympathy to the members of his family whose sense of loss we share.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Geneva Y. Givhan of Safford; his daughter, Mrs. Helen W. Lyons of Selma; his six sons: Walter H. and Samuel P. Givhan and James E. Whidby of Safford, Frank T. James of Birmingham, Joseph H. James of Alexandria, Virginia, and Glenn K. James of Uniontown; and to his three brothers: Edward H. Givhan of Rainsville, Joseph P. Givhan of Mobile, and John A. Givhan of Safford.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 38 S.J.R. 3—Fine

SENATE JOINT RESOLUTION

WISHING A SPEEDY AND COMPLETE RECOVERY FOR ROBERT G. KENDALL.

WHEREAS, Robert G. Kendall suffered a mild stroke on April 9 while on vacation with his family in Europe; and

WHEREAS, Bob Kendall, former member of both houses of the Legislature and presently Executive Director of the Alabama Railroad Association, is one of the most effective and popular lobbyists in the halls of the Capitol; he has a host of friends in and out of the Legislature, who enjoy his warm personality and his famous stories; and

WHEREAS, The Legislature is distressed to hear of his illness; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Bob Kendall a speedy and complete recovery from his illness, and look forward to seeing him soon back in the Capitol with us, where he belongs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Kendall.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 39 S.J.R. 4—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littlejohn, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson and Lt. Gov. Beasley

SENATE JOINT RESOLUTION

EXTENDING LOVE AND BEST WISHES TO MRS. FRANK B. RUFFER ON HER RETIREMENT

WHEREAS, The Senate of Alabama has been blessed for 41 years with the devoted and capable service of Mrs. Frank B. Ruffer; and

WHEREAS, Nell Ruffer began her career in the Senate in 1935, and was promoted over the years until she was Assistant Secretary to Mr. Earl Speight, Secretary of the Senate until his death in 1963; and

WHEREAS, She continued to serve as Assistant Secretary with McDowell Lee until she was appointed the first Chief Clerk of the Senate, when this position was created in 1975; and

WHEREAS, Mrs. Ruffer has long been known as one of the most knowledgeable women on Capitol Hill in the field of government and the legislative process; this knowledge, plus an unerring sense of judgment and integrity, won for her the admiration and respect of a succession of presiding officers and senators; and

WHEREAS, Although Nell had the reputation of being "tough", her many close friends and associates know of her compassion and kindness; she was fiercely loyal to her friends and employees, and was a constant source of strength and help to them; and

WHEREAS, Having given so many years of truly dedicated service to the Senate and to the State of Alabama, she richly deserves the relaxation and serenity of retirement after the sometimes-stormy confusion of Goat Hill; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish for Nell W. Ruffer many years of happiness in her retirement.

BE IT FURTHER RESOLVED That this Senate, speaking for themselves and all their predecessors, does express its deepest gratitude for the friendship and service of this remarkable lady; she will be greatly missed.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. and Mrs. Frank B. Ruffer, to their son, Mr. Joe Ruffer, Mobile, Alabama, and to their grandson, Mr. Jay Ruffer, Montgomery, Alabama.

Approved June 16, 1976

Time: 3:30 P.M.

Act. No. 40 S.J.R. 8—McMillan

SENATE JOINT RESOLUTION

COMMENDING THE MOUNTAIN BROOK HIGH SCHOOL FOOTBALL TEAM

WHEREAS, The Mountain Brook High School football

team has brought great honor to their school, community and state by winning the Class 4A football championship in 1975; and

WHEREAS, Since this is the first time that Mountain Brook High has produced a championship team, the victory is doubly sweet; and

WHEREAS, This honor was won after a season of the following hard-won scores:

Mountain Brook 28	Vestavia 8
Mountain Brook 35	John Carroll 0
Mountain Brook 22	Hewitt Trussville 20
Mountain Brook 31	Erwin 7
Mountain Brook 23	Berry 12
Mountain Brook 28	Banks 0
Mountain Brook 13	Shades Valley 0
Mountain Brook 27	Hueytown 6
Mountain Brook 24	Tuscaloosa County 3
Mountain Brook 19	Homewood 10
* * * * * * * *	
Mountain Brook 21	Tuscaloosa 16
Mountain Brook 50	Coffee 20
Mountain Brook 29	Dothan 23

WON 13—LOST 0

WHEREAS, The Players, Richard Burg, Gil Rush, Doug Walker, Billy Morris, Mike Hilton, Bill Kreis, Tommy Lister, Ronnie Cofield, Carl Moss, Dan Tourtellotte, Stewart Scott, Rem Miller, John Whitehead, Major Ogilvie, Scott Cardwell, Pip Mason, Greg Ellis, Bobby Shoulders, Charles Speake, Bebo Cole, Lang Burroughs Clark, Dale Phillips, John Pasker, Rob Thomas, Ed Bowron, Max Niemann, George Nakos, Chris Christie, Mat Whatley, Don Smith, Charles Sharp, Allan Hughes, Rich Lipscomb, Joe Abbott, David Kinsey, Greg McCormick, Sam Price, Keith Bouchillon, Dan Roberts, Charles Kenckell, Jeff Thomas, Bill Snuggs and Mike Mathews, are to be complimented, both individually and as a team, for the hard work and determination which earned for them the 4A championship; and

WHEREAS, The coaches, Robert Higginbotham, Mark Bradley, Marty Brenner, Andy Muglach and Mike Jones, and

managers, George Bell and Richard Rickart, also are to be commended for the skill and dedication which led their team to victory; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do heartily congratulate the football team of Mountain Brook High School for winning the Class 4A football championship for 1975;

BE IT FURTHER RESOLVED That copies of this resolution be sent to the above-named players, coaches and managers.

Approved June 16, 1976

Time: 3:30 P.M.

Act No 41 S.J.R. 11—Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE CRENSHAW CHRISTIAN ACADEMY FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, Crenshaw Christian Academy's football team won the Private Schools Association Class B football championship for the 1975 season; and

WHEREAS, Crenshaw Christian Academy's football team won said championship in grand style by holding its three playoff opponents scoreless and defeating Demopolis Academy in the championship game; and

WHEREAS, this brilliant team posted an outstanding record of 12 wins and one loss and achieved the #1 ranking in the newspaper polls; and

WHEREAS, Crenshaw Christian Academy's football team worked long, hard and diligently to achieve this outstanding record. The team rushed, blocked, passed, punted and tackled with both abandon and spectacular ability; and

WHEREAS, Coaches Johnny Shoemaker and Charles Clark are due much credit not only for the high degree of technical skill displayed in team play, but also for the great spirit and will to win which they instilled in these fine young men; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Crenshaw Christian Academy's football team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to coaches Shoemaker and Clark, and to each team member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 42 S.J.R. 12—Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE WILCOX ACADEMY'S BASKETBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Wilcox Academy's basketball team won the Private Schools Association basketball championship with an amazing 27 wins and one loss record; and

WHEREAS, the Wilcox Academy's basketball team achieved the #1 ranking in basketball in the newspaper polls; and

WHEREAS, this team worked long, hard, and diligently to achieve this excellent record and become state champions, and the team efforts on both the offensive and defensive ends of the basketball court were outstanding; and

WHEREAS, this fine team was headed by its outstanding seniors who provided marvelous leadership both on and off the court. These seniors compiled an impressive record of over 80 wins in their varsity careers; and

WHEREAS, Coach Connie McKelvey is due much credit not only for the high degree of technical skill displayed in team play, but also for instilling a great spirit and will to win in these fine young men; and

WHEREAS, this group of men not only won the state basketball championship, but more importantly, exhibited the "class" from which true champions are made; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Wilcox Academy's basketball team for its outstanding season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to, head coach McKelvey and to each team member.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 43 S.J.R. 13—Mitchell

SENATE JOINT RESOLUTION

CONGRATULATING THE FORT DALE ACADEMY GIRLS BASKETBALL TEAM

WHEREAS The Fort Dale Academy Girls Basketball Team, affectionately known as the Dolls, has achieved great success during the past season; and

WHEREAS the Dolls have recently won the District III Championship which merited a spot in the state playoffs; and

WHEREAS the Dolls posted a regular season record of 21 wins and only one loss; and

WHEREAS Kim Cross, Lynn Dunklin and Lisa Whitstine were selected to the All-District team; and

WHEREAS Jessica Bryan was selected to the 1975-76 All Star Team; and

WHEREAS Coach Connie Ansley was chosen Head Coach of the 1975-76 South All Stars; and

WHEREAS the Dolls are composed of an outstanding group of young ladies, and have an excellent coach, and have represented their school and community in a highly creditable manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Fort Dale Academy Girls Basketball Team and Coach Connie Ansley for their success over the past three years and wish them continuing success, on and off the basketball court.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Connie Ansley and to the Fort Dale Academy girls basketball team.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 44 S.J.R. 14—McMillan

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. THOMAS PERKINS ABERNETHY

WHEREAS, On November 12, 1975, death claimed Dr.

Thomas Perkins Abernethy, professor emeritus at the University of Virginia, at age 85; and

WHEREAS, Dr. Abernethy, a native of Collirene, Alabama, had a long and distinguished career as professor, historian and author, specializing in the early history of Virginia and the South; and

WHEREAS, After service in World War I, he received his master's and doctoral degrees from Harvard University, and held prestigious posts at many universities, including the University of Alabama; and

WHEREAS, Dr. Abernethy was the author of many books on Southern history, for which he has won many awards and distinguished recognition; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do mourn the passing of Dr. Thomas Perkins Abernethy, and recognize with gratitude the many accomplishments of his outstanding career.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his brother, Dr. Cecil Abernethy, and his cousin, Robert Gordon.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 45 S.J.R. 15—Foshee

SENATE JOINT RESOLUTION

COMMENDING TINE W. DAVIS, SR.

WHEREAS Tine W. Davis, Sr., through his continued excellent direction of the Winn Dixie Food Store Chain and its related enterprises, profoundly affects the economic health and stability of the State of Alabama; and

WHEREAS Mr. Davis has on numerous occasions extended his active concern for the citizens of this State to include support of educational institutions, charitable organizations, both public and private, and scientific and agricultural research of the most beneficial nature; and

WHEREAS Mr. Davis's continued civic involvement provides for the many young people and adults of this state a rare example of personal integrity, courage, and leadership; and

WHEREAS the Alabama Products Luncheon, hosted an-

nually by Mr. Davis, has, over the years, grown increasingly successful in making thousands of persons aware of the ability of Alabamians to produce the finest quality food available anywhere in the nation; and

WHEREAS Mr. Davis is married to the former Eunice Chandler of Ozark, Alabama, and they have two daughters and one son — Mrs. Diane Davis Latimer, Mrs. Tony Davis Duke, and Mr. T. W. Davis, Jr.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That this body does commend Tine W. Davis, Sr., on his illustrious business career and wishes him continued success, good health, and happiness in the years ahead.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Tine W. Davis, Sr., of Montgomery.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 46 S.J.R. 16—King, Baker and McDonald (A)

SENATE JOINT RESOLUTION

HONORING DAVID ALLEN HERVIG FOR HIS AQUATIC DIVING ABILITY.

WHEREAS David Allen Hervig of Huntsville, Alabama, was recently selected as one of the twenty best All American High School Aquatic Divers in the nation; and

WHEREAS David is a senior honor student at Grissom High School in Huntsville and has also been a champion Wrestler and Track Athlete; and

WHEREAS he has won first place diving awards in the Alabama State AAU meet, the National AAU prequalifying meet, the Southeastern United States meet, the Men's Junior National Diving championship, the Gulf States High School meet, the Junior Olympics championship, and the Alabama High School meet throughout his high school career; and

WHEREAS David is truly an outstanding young man in many respects; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate David Allen Hervig on his many outstanding accomplishments and wish him many more successes in life.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to David and his parents.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 47 S.J.R. 28—Edwards

SENATE JOINT RESOLUTION

COMMENDING MR. RUSSELL PRIEST FOR HIS OUTSTANDING CONTRIBUTIONS TO OUR STATE.

WHEREAS, Mr. Priest's outstanding leadership in the City of Decatur has greatly contributed to the continual growth and prosperity of the city; and

WHEREAS, Mr. Priest is a versatile man, sensitive to the needs of his community, and one who has contributed generously to all worthwhile endeavor for the betterment of his area; and

WHEREAS, this man has contributed much to his state and community and has never shunned responsibility, but rather spear-headed numerous and worthwhile endeavors; and

WHEREAS, Russell Priest's tireless efforts in the field of housing have helped to improve the lives of countless fellow citizens; and

WHEREAS, this gentleman's input into the Decatur Chamber of Commerce and Morgan County United Way have aided in maintaining the outstanding record of these fine agencies; and

WHEREAS, Mr. Priest's activity in food preparation has gained national attention and delighted countless diners; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mr. Russell Priest for his outstanding achievements.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Priest and his family.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 48 S.J.R. 29—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MR. JOSEPH LEONARD WEATHERWAX

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Mr. Joseph Leonard Weatherwax of Moulton, Alabama; and

WHEREAS, Mr. Weatherwax was a devoted community builder who served his people with great love and dedication; and

WHEREAS, Mr. Weatherwax exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, Mr. Weatherwax's distinguished service as mayor of Moulton, Alabama aided in improving the lives of countless citizens; and

WHEREAS, this gentleman was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state, and country; and

WHEREAS, Joseph Weatherwax served his neighbors fairly and justly as Justice of the Peace; and

WHEREAS, Mr. Weatherwax was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Joseph Leonard Weatherwax and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 49 S.J.R. 30—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF KARL E. HOUGH

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Mr. Karl E. Hough of Lacey's Spring, Alabama; and

WHEREAS Mr. Hough was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mr. Hough was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, county, state and country; and

WHEREAS Karl Hough exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS this gentleman's long and outstanding tenure on the Morgan County Board of Education contributed to better education for countless young people; and

WHEREAS Karl Hough's activity with the Northeast Morgan County Water Authority contributed to improved health and living standards for many Alabamians; and

WHEREAS Mr. Hough's participation in the community recreation program contributed to the physical fitness and pleasure of his fellow citizens; and

WHEREAS this farmer's farmer was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; and

WHEREAS this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mr. Karl E. Hough and express our deep and sincere sympathy to his widow and his family to whom copies of this resolution shall be sent.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 50 S.J.R. 31—Stewart

SENATE JOINT RESOLUTION

COMMENDING MISS BETTY CARR FOR HER WORK WITH THE ANNISTON Y.M.C.A.

WHEREAS, Miss Betty Carr, former director of Camp Grandview for the Montgomery Y. W. C. O., came to Anniston in 1967 as Youth Director of the Anniston Y.M.C.A.; and

WHEREAS, She reorganized and strengthened Anniston's participation in the Y.M.C.A. State Youth Legislature, a program which has provided valuable training for the young people of this state; and

WHEREAS, Hundreds of young people have benefited greatly from her prodigious efforts far above and beyond the work required of her, given without hope of personal gain; and

WHEREAS, Since Miss Carr has been in Anniston, the Y.M.C.A. there was produced five out of eight youth governors: Roger Lee in 1968; Jack Carr in 1969, Robert Downing in 1971, Vaughn Stewart in 1974 and Andy Bolt in 1975; and

WHEREAS, The young people and other citizens of Anniston and the State of Alabama wish to thank her for her untiring and devoted work; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Betty Carr be commended and congratulated for her ongoing success in carrying out her responsibilties as youth director of the Anniston Y.M.C.A.

BE IT FURTHER RESOLVED That her career should be a shining example of the influence one person can have on a community and its young people.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Anniston Y.M.C.A. and to Miss Carr.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 51 S.J.R. 32—Ellis, Mims, Pearson, Clemon, Jones and Powell

SENATE JOINT RESOLUTION

COMMENDING REPRESENTATIVE RUFUS LEWIS FOR HIS DEDICATION TO HIS LEGISLATIVE DUTIES AND FOR RECEIVING AN AWARD.

WHEREAS, Representative Rufus Lewis is a member of the state and county Democratic Executive Committee; and

WHEREAS, Representative Lewis is a member of the Alabama Democratic Conference; and

WHEREAS, Representative Lewis loyally remained at a meeting of the Joint Interim Parks Study Committee rather than go to personally receive the Lyndon B. Johnson Political Freedom Award from the Alabama Democratic Conference on April 24; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Representative Lewis upon receiving the award, and commend him for his devotion to his legislative duties.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 52 S.J.R. 36—Owen

SENATE JOINT RESOLUTION

CONGRATULATING GRADY H. ZEANAH

WHEREAS Grady H. Zeanah is a Staff Sergeant of the 375th Transportation Group (MT) at Mobile; and

WHEREAS Sergeant Zeanah has been selected the outstanding enlisted army reservist of the 121st Army Command of the State of Alabama; and

WHEREAS this award reflects the outstanding service Sergeant Zeanah has given to the State and his community of Bay Minette; and

WHEREAS the entire State of Alabama would like to thank Sergeant Zeanah for his devotion to his duties; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Staff Sergeant Grady H. Zeanah upon being selected the outstanding enlisted army reservist of the 121st Army Command of the State of Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to Sergeant Zeanah.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 53 S.J.R. 39—Bank

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT

WHEREAS this body has been informed of the lamentable death of George Rose on Saturday, May 15; and

WHEREAS George Rose was elected in 1968 and 1972 mayor of Northport where he lived all his life; and

WHEREAS George Rose also exhibited his prominence in Northport as director of the George Rose Lumber Company; and

WHEREAS George Rose devoted so much of his time and energy toward fulfilling the needs and interests of Northport until he had to resign for health reasons; and

WHEREAS George Rose will certainly be long remembered for his benevolence to his friends and neighbors; and

WHEREAS Northport has been deprived of a citizen who provided effective leadership and genuine concern as mayor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of George Rose and extends its sympathies to his wife, Mrs. Erin Cruce Rose, and to the other members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Erin Cruce Rose; his two daughters, Mrs. Robert T. Stone and Mrs. Wendell Shirley, both of Northport; and to his aunt, Mrs. J. A. Quarles, also of Northport.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 54 S.J.R. 40—Jones

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF REYNOLDS W. THRASHER

WHEREAS, the Legislature was greatly saddened to learn of the recent death of Reynolds W. "Ren" Thrasher, Chief of the Division of Outdoor Recreation of the Department of Conservation and Natural Resources; and

WHEREAS, "Ren" was a native of Cottonwood in Houston County, held B.S. and M.S. Degrees from Auburn; served his country for two and a half years during World War II in an artillery unit in Europe; and

WHEREAS, he had worked with the Conservation Department since January, 1950, when he joined them as a Wildlife Biologist; and

WHEREAS, he was promoted to the Assistant Chief of the Game and Fish Division in 1961, served as Acting Chief of the Division during 1971 and 1972 while the regular chief was on military duty; and

WHEREAS, he was appointed to the position of Chief of the Division of Outdoor Recreation in May, 1969, and held the position until the time of his death; and

WHEREAS, he was married to the former Carolyn Mullins and they have two sons, David and Bill; and

WHEREAS, "Ren" was a man who was much loved by all who knew him, whether they be a dear friend or a casual acquaintance; he possessed a sense of humor that was renowned; and

WHEREAS, "Ren" served under many governors and directors of conservation, all of whom highly valued and sought his wisdom and knowledge on conservation and outdoor recreation matters; and

WHEREAS, this legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Reynolds W. Thrasher and express our deep and sincere sympathy to his widow and sons to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Conservation and Natural Resources with our request that it be permanently displayed in an appropriate spot on the premises of the Department headquarters as a memorial to Mr. Thrasher.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 55 S.J.R. 57—Ellis, Pearson, McMillan and Vacca

SENATE JOINT RESOLUTION

COMMENDING THE HUEYTOWN HIGH SCHOOL BASEBALL TEAM UPON WINNING THE CLASS 4A BASEBALL CHAMPIONSHIP.

WHEREAS, the Hueytown High School baseball team won the 1976 Class 4A State Baseball Championship under Coach Doug Wheeler; and

WHEREAS, this baseball team displayed great ability and a true knowledge of the game of baseball; and

WHEREAS, Doug Wheeler and his team compiled a very impressive record of twenty-one wins and four losses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the Hueytown High School baseball team for its fine championship season and for the recognition they brought to Hueytown High School.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hueytown High School and to Doug Wheeler.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 56 S.J.R. 58—Ellis, Pearson McMillan and Vacca

SENATE JOINT RESOLUTION

COMMENDING THE MIDFIELD HIGH SCHOOL BASEBALL TEAM UPON ITS IMPRESSIVE SEASON.

WHEREAS, the Midfield High School baseball team finished the 1976 season with a commendable twenty wins and seven losses; and

WHEREAS, this baseball team under Coach Dennis Whitehead and Coach Johnny Plan drove all the way to the finals of the Class 3A State Baseball Championship; and

WHEREAS, they demonstrated the talent and skill of a winning team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this

body commends the Midfield High School baseball team on a great season and wishes them success next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Midfield High School and to Dennis Whitehead and Johnny Plan.

Approved June 16, 1976

Time: 3:30 P.M.

Act No. 57 H.J.R. 66—Cates

HOUSE JOINT RESOLUTION

COMMENDING E. VERNON STABLER, SR., M.D.

WHEREAS, E. Vernon Stabler, Sr., M.D., has served with distinction as President of The Medical Association of the State of Alabama from April 19, 1975 to April 17, 1976; and

WHEREAS, Dr. Stabler is a noted family physician and surgeon in Greenville, Alabama, and held in high esteem and respected by his peers; and

WHEREAS, during his Presidency, the Medical Association experienced a degree of growth and leadership unparalleled in its history; and

WHEREAS, in his capacity as President, Dr. Stabler was instrumental in the successful achievement of Association goals to afford Alabama citizens a finer degree of medical care not heretofore experienced; namely, passage of the Alabama Medical Liability Act, achieving American Medical Association accreditation for the Association's continuing medical education program, and realization of a stronger physicians recruitment program with grassroot activity and Association input; and

WHEREAS, in the face of a rapidly dwindling market for medical liability insurance, Dr. Stabler demonstrated courageous leadership in guiding the Association in the formation of its own professional liability insurance company; and

WHEREAS, Dr. Stabler is a man of honor, dignity, duty and dedication to his profession; now therefore,

BE IT RESOLVED that the House of Representatives, the Senate of Alabama concurring, does hereby express its appreciation to Dr. Stabler for his loyal and untiring service to the citizens of Alabama and for his distinguished year of service as President of The Medical Association of the State of Alabama.

BE IT FURTHER RESOLVED that the Clerk of the House send a copy of this Resolution to Dr. Stabler, and that a copy be sent also to The Medical Association of the State of Alabama and to the Butler County Medical Society.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 58 H.J.R. 67—Lutz

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GURLEY MAYOR BRYAN C. ADCOX.

WHEREAS the Alabama legislature has noted with a sense of deep regret the untimely passing of Bryan C. Adcox, Mayor of Gurley, Alabama; and

WHEREAS Mayor Adcox was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mayor Adcox was a diligent and devoted member of the Eastern Star, Lions Club and the First Baptist Church of Gurley; and

WHEREAS Mayor Adcox reflected the uncommon endowments of foresight, perseverance, and capacity for intelligent leadership and was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his home town, state and country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the untimely death of Mayor Bryan C. Adcox of Gurley and express our deep and sincere sympathy to his widow, Ida Lee Adcox, and his family to whom copies of this resolution shall be sent.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 59 H.J.R. 68—Lutz

HOUSE JOINT RESOLUTION

COMMENDING DAVID WALL ON BEING SELECTED THE LEADING ALABAMA COTTON PRODUCER.

WHEREAS, Mr. David Wall of Madison County has great

expertise in farming, combining a family farm heritage with a B.S. degree in agricultural science from Auburn University; and

WHEREAS, David Wall has harvested record crops since he actively began farming in 1967; and

WHEREAS, he has been selected by the Farm-City Committee for agricultural excellence in 1975 as the state's leading cotton producer; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Davis Wall for his achievements in farming.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Wall.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 60 H.J.R. 74—Robertson, Johnson, Howard Lee, Owens

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE ROSE, FORMER MAYOR OF NORTHPORT.

WHEREAS, this body has learned of the unfortunate death of George Rose on Saturday, May 15; and

WHEREAS, George Rose, a lifelong resident of Northport, had been elected mayor of Northport in 1968 and then reelected as mayor in 1972; and

WHEREAS, George Rose also exhibited his prominence in Northport as director of the George Rose Lumber Company; and

WHEREAS, George Rose spent his lifetime in concern for the welfare and betterment of Northport, resigning as mayor in 1974 for health reasons; and

WHEREAS, George Rose will be most remembered for his benevolence and sensitivity to the needs of his friends and community; and

WHEREAS, this body acknowledges the many unselfish contributions George Rose initiated for Northport's future; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature wishes to express its sorrow over the death of George Rose and to extend its full sympathies to his wife, Mrs. Erin Cruce Rose, and to the other members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Erin Cruce Rose; his two daughters, Mrs. Robert L. Stone and Mrs. Wendell Shirley, both of Northport; and to his aunt, Mrs. J. A. Quarles, also of Northport.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 61 H.J.R. 75—Robertson, Johnson, Howard, Lee, Owens, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CLARENCE "SNOW"

HINTON, MAYOR OF TUSCALOOSA.

WHEREAS, this body has been informed of the lamentable death of Clarence "Snow" Hinton on Sunday, May 16; and

WHEREAS, Clarence "Snow" Hinton, a native of Tuscaloosa, attended Auburn and Alabama and served in World War II as second lieutenant in field artillery in Europe and the Pacific theatre, being discharged in April, 1946 as a major; and

WHEREAS, he served Tuscaloosa's interests as Vice Chairman of First Alabama Bank of Tuscaloosa, a member of the board of directors of Central Foundry Company and the Chamber of Commerce of Greater Tuscaloosa, a member of the First Baptist Church, the Elks Club, the Masons, the Shriners, on the board of Directors of First Alabama Life Insurance Company, and an honorary member of the Tuscaloosa Jaycees; and

WHEREAS, Clarence "Snow" Hinton began his fifteen years of public service as Finance and Water Works Commissioner in 1961 and then reelected to this position in 1965; and

WHEREAS, he was then elected Mayor of Tuscaloosa in 1969 and reelected in 1973, serving admirably for seven years in this distinguished position; and

WHEREAS, Clarence "Snow" Hinton demonstrated his ability and concern throughout his many years of public office; and

WHEREAS, his numerous achievements were recognized and appreciated by his constituents, and he is listed in Who's Who in the Southeast; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of such a respected community leader as Clarence "Snow" Hinton and extends its sympathies to his wife, Marilyn Morgan Hinton, and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Marilyn Morgan Hinton.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 62 H.J.R. 80—Quarles

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF FRED DEWEY BATTLES OF ST. CLAIR COUNTY.

WHEREAS, The Alabama Legislature notes with deep sorrow the death of Fred Dewey Battles, a resident of St. Clair County all of his life; and

WHEREAS, Fred Dewey Battles was looked upon as a hard working farmer, an honest political figure, and a respected Judge of the Inferior Court for twelve years; and

WHEREAS, the plain spoken Fred Battles was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, county and state; and

WHEREAS, Fred Dewey Battles exhibited a devotion to duty and a concern for his fellowman. He gained the affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, Fred Dewey Battles will be sorely missed by his many loved ones including his wife, Bertie Sheffield Battles, his five children, his fifteen grandchildren and his three great grandchildren; and

WHEREAS, this Legislature wishes to pay tribute to this great but humble man who made a significant contribution to Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Fred Dewey Battles while expressing our most sincere sympathies to his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Bertie Sheffield Battles.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 63 H.J.R. 81—McNees

HOUSE JOINT RESOLUTION

HONORING LARRY RUFFIN UPON HIS GRADUATION FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, Larry Ruffin was selected West Alabama Player of the Year as well as captain of his football team at Fayette County High and second team All-State; and

WHEREAS, Larry Ruffin received four letters not only in football, but four letters in track, three letters in basketball, and two letters in baseball; and

WHEREAS, Larry Ruffin was given the last scholarship the University of Alabama had to offer and then proved himself worthy of such a scholarship by earning a starting berth as offensive left guard; and

WHEREAS, Larry Ruffin and his Alabama teammates distinguished themselves by winning 32 games out of a possible 33 games in three years of regular season play; and

WHEREAS, Larry Ruffin was so instrumental in Alabama's success at winning three Southeastern Conference Championships in Larry's three years of varsity football; and

WHEREAS, Larry Ruffin was named API S. E. C. Honorable Mention, 1974; and

WHEREAS, Larry Ruffin demonstrated his dependability and perseverance in Alabama's football program under Head Football Coach Paul W. Bryant; and

WHEREAS, Larry Ruffin was honored on May 7 by Larry Ruffin Day in his hometown of Fayette, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Larry Ruffin on an excellent athletic career and wishes him additional success in the future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Fayette County High, to Larry Ruffin, and to his proud parents, Mr. and Mrs. J. P. Ruffin.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 64 H.J.R. 82—Campbell, McCorquodale, Manley, Pegues, Edwards, Dial

HOUSE JOINT RESOLUTION

WHEREAS, The Livingston University Tiger Baseball team is scheduled to participate in the 1976 National Collegiate Athletic Association, Division II, World Series June 5-9 in Springfield, Illinois, where it will compete for National Championship; and

WHEREAS, The Livingston University Tigers won the NCAA, Division II, South Regional Championship in Thibodaux, Louisiana; and

WHEREAS, The Livingston University Tigers set an

NCAA, Division II record for home runs in a Regional Play-off; and

WHEREAS, Livingston University's basebal lteam will represent the states of Alabama, Louisiana, Mississippi, Tennessee and Kentucky in said event;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, congratulations and commendations are extended to the coach and each player of the Livingston University baseball team for their outstanding record.

BE IT FURTHER RESOLVED, That the Legislature herewith extend to the coach and each member of the Livingston University Baseball team its best wishes in further competition for the NCAA, Division II National Championship.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 65 H.J.R. 85—Goodwin

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF NANCY COE VANCE.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Nancy Coe Vance; and

WHEREAS Miss Vance attended Florence State College and received her BS degree in Physical Education and Biological Science, and received her MS from the University of Tennessee; and

WHEREAS Nancy Coe Vance taught at Hendrix College and Sheffield Junior High; and

WHEREAS Miss Vance was an Assistant Professor of Physical Education at The University of North Alabama, involved in the intramural sports program, and in charge of the swimming program at Kilby School; and

WHEREAS Miss Vance was a member of AEA, NEA, the Alabama and American Associations of Health, Physical Education and Recreation, and was also a member of the American Association of University Professors; and

WHEREAS her youthful outlook, vivacity, and warm personality served as an inspiration to all with whom she came in contact; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Nancy Coe Vance.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of The University of North Alabama.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 66 H.J.R. 86—Goodwin

MOURNING THE DEATH OF DR. LULA R. WAY.

WHEREAS the Alabama Legislature has noted with a sense of deep regret the passing of Dr. Lula R. Way; and

WHEREAS Dr. Way received her BS and MA degrees from George Peabody College, and her Ed. D. degree from Michigan State University with majors in Child Psychology and Human Development; and

WHEREAS Dr. Way taught in Michigan, Louisiana, and Nebraska before coming to The University of North Alabama; and

WHEREAS at UNA Dr. Way was the Director of the Reading Clinic and taught courses in reading and psychology; and

WHEREAS Dr. Lula R. Way was a member of AEA, NEA, Delta Kappa Gamma, Alpha Sigma, and a State Board Member of the Association for Retarded Children; and

WHEREAS Dr. Way has published numerous articles in professional journals, and has authored or coauthored several childrens' educational books; and

WHEREAS a recital of her many contributions would be incomplete without acknowledging her influence on thousands of students through teaching and counseling; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Lula R. Way.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of The University of North Alabama.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 67 H.J.R. 87—Andrews

HOUSE JOINT RESOLUTION

WHEREAS, Charles Larry Blakely has distinguished himself to be a diligent worker in his musical career; and

WHEREAS, Charles Larry Blakely has a true ability to sing and write such enjoyable and versatile music as "Louisiana Man", "Counting The Steps", "She Kissed Me Goodbye", "Band of Gold", and "Born Loser"; and

WHEREAS, Charles Larry Blakely, a native of Alvon, Mississippi, is presently in Montgomery; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body welcomes Larry Blakely to the capital city and wishes him further success in his musical career.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Charles Larry Blakely.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 68 H.J.R. 90—Carothers

COMMENDING THE CARVER JUNIOR HIGH SCHOOL BASKETBALL TEAM OF DOTHAN UPON TWO OUTSTANDING SEASONS.

WHEREAS the Carver Junior High School basketball team has displayed such talent and ability to enable them to win the state championship for the past two years; and

WHEREAS these athletes practiced diligently to perfect their shooting, passing, dribbling, and rebounding; and

WHEREAS Coach Wade C. Morrison trained his players hard and molded them into a championship team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body extends its full congratulations to this basketball team and their coach and wishes them another successful season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal at Carver Junior High School of Dothan and to Coach Wade C. Morrison.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 69 H.J.R. 93—Callahan, Sandusky, Sonnier, Kennedy, Malone, McCulley, Glass, Johnstone, McMillan, Cooper

HOUSE JOINT RESOLUTION

COMMENDING THE McGILL-TOOLEN HIGH SCHOOL CONCERT BAND.

WHEREAS, the McGill-Toolen High School Concert Band has been selected by the National Catholic Music Educators Association as the top Catholic High School Band in America for 1966, 1973 and 1975; and

WHEREAS, this concert band became the official representative of the City of Mobile in an eight day goodwill concert tour of southeastern Spain in 1974; and

WHEREAS, the McGill-Toolen High School Concert Band was proclaimed as the official Goodwill Ambassadors of the State of Alabama in 1976 by Governor George C. Wallace; and

WHEREAS, this extraordinary concert band will be our state's representative in a special concert at the President's Park in Washington, D. C. as part of the Nation's bicentennial celebration; and

WHEREAS, the McGill-Toolen High School Concert Band is the only concert band to receive the coveted Gold Medal Award for exceptional performance in the three year history of the Festival of the Nations, a prestigious, international music competition staged each year in Washington; and

WHEREAS, these musicians have displayed tremendous abilities to perform and have made a great reflection on Alabama; and

WHEREAS, their conductor, William Holcombe Pryor, has demonstrated unusual talents for organizing and coaching his individual musicians into a superior band; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the great achievements the McGill-Toolen High School Concert Band has made and urges them on to additional accomplishments in the future.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to McGill-Toolen High School and to William Holcombe Pryor.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 70 H.J.R. 94—Andrews, McNair

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF MRS. JOSEPHINE S. HOWARD.

WHEREAS the Alabama Legislature has learned regretably of the unfortunate illness of Mrs. Josephine S. Howard; and

WHEREAS Mrs. Josephine S. Howard has to be hospitalized and separated from her home and loved ones; and

WHEREAS she is undergoing an intense battle against the detrimental effects of cancer; and

WHEREAS she is sorely missed and prayed for by her many friends, loved ones and business associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to express our deep concern for Mrs. Howard's health and our hope for her speedy recovery so that she might return to her normal place amongst her friends and loved ones.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Josephine S. Howard and to her family.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 71 H.J.R. 95—Martin

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MELVIN V. CASE.

WHEREAS, the Alabama legislature has noted with deep regret the death of Melvin "Slim" Case on May 12; and

WHEREAS, Melvin "Slim" Case of Decatur has proven to be a diligent employee of the Pet Milk Company for 32 years; and

WHEREAS, Melvin "Slim" Case demonstrated a religious and social interest in his community as a member of the Sixteenth Avenue Baptist Church and a member of the Decatur Masonic Lodge; and

WHEREAS, Melvin "Slim" Case was such a good family man and a concerned citizen of Decatur; and

WHEREAS, he will be sorely missed by his fellow employees, his many friends, and his family; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Melvin "Slim" Case and wish to extend our deepest sympathies to his wife, Mrs. Ether Caudill Case and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to Mrs. Esther Caudill Case.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 72 H.J.R.99—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING MRS. YOLANDE BEASLEY GARDNER UPON THE GRADUATION WITH HONORS FROM THE UNIVERSITY OF ALABAMA.

WHEREAS Yolande Beasley Gardner will be graduating with honors from the University of Alabama on May 16; and

WHEREAS on Honors Day at the University of Alabama, she was acknowledged for obtaining the highest cumulative point average in her curriculum; and

WHEREAS Yolande Beasley Gardner has made the Dean's List three consecutive semesters and will be graduated cum laude this spring; and

WHEREAS her academic pursuits also include being a member of Kappa Delta Epsilon and Kappa Delta Pi, national educational societies; and

WHEREAS Yolande Beasley Gardner's hard work and dedication to her educational pursuits won her the National Collegiate Association for Secretaries Award; and

WHEREAS her many honors at graduation exemplify the time and energy she has devoted to her scholarly interest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wants to congratulate Mrs. Yolande Beasley Gardner for the honors she has accumulated at the University of Alabama and to wish her a happy and prosperous future.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Yolande Beasley Gardner in Childersburg and to her proud parents in Sylacauga, Mr. and Mrs. Jule D. Beasley.

(Approved June 17, 1976
Time: 5:30 P.M.

Act No. 73 H.J.R. 101—Moore (W), McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING REP. TOMMY CARTER.

WHEREAS our beloved colleague Tommy Carter was elected Tuesday, May 11, as Limestone County's Citizen of the Year; and

WHEREAS Rep. Tommy Carter of Elkmont has been so instrumental in gaining state support for Athens State College; and

WHEREAS he also served his county admirably as former chairman of the Limestone County Board of Education; and

WHEREAS Tommy Carter has shown himself to be such an amiable legislator and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate our dear friend and colleague Rep. Tommy Carter for achieving the Limestone County's Citizen of the Year Award and wish him many further successes in his career.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Rep. Tommy Carter.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 74 H.J.R. 106—Baker, Whatley

HOUSE JOINT RESOLUTION

COMMENDING COBB MEMORIAL HOSPITAL.

WHEREAS Cobb Memorial Hospital should be noted for the outstanding service and care it has provided to the citizens of Phenix City and Russell County; and

WHEREAS Cobb Memorial Hospital has initiated innovative programs for health education information that help their patients maintain their health; and

WHEREAS health care is a vital need of any community and Cobb Memorial Hospital has proved itself worthy of fulfilling this need; and

WHEREAS May 9 to May 15 was recognized as National Hospital Week in which the theme was "Healthy Birthday, America"; and

WHEREAS Homer J. Traylor, his staff, and the Cobb Memorial Board of Directors have all contributed in producing a very efficient and able administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Cobb Memorial administration, the staff of doctors and nurses, and all the employees who have improved the quality and availability of health care service to Phenix City and Russell County.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Homer J. Traylor and to the Cobb Memorial Board of Directors.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 75 H.J.R. 107—Glass, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

COMMENDING GLENN HARGER UPON HIS ELECTION TO STATE JAYCEE PRESIDENT.

WHEREAS, Glenn Harger has bene elected to the position of Jaycee President for the State of Alabama; and

WHEREAS, Glenn Harger of Prichard becomes the first State Jaycee President in twenty years from the Southern half of the state; and

WHEREAS, last year Glenn Harger won the distinction of being included among the top ten Jaycee directors in the nation; and

WHEREAS, Glenn Harger further serves his community in the field of law enforcement as a policeman in Prichard; and

WHEREAS, his interest and admirable devotion to the

needs of his state and community stand as a fine example for all Alabama citizens to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Glenn Harger for his unselfish service and congratulates him upon his election to State Jaycee President.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Glenn Harger.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 76 H.J.R. 109—Owens, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbothan, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

HOUSE JOINT RESOLUTION

COMMENDING REP. RICHARD S. MANLEY.

WHEREAS, the Legislature of Alabama notes with pride the recent promotion of Rep. Richard S. Manley to the rank of full colonel in the U. S. Marine Corps Reserve; and

WHEREAS, Rep. Manley has served his country for almost twenty-two years in the U. S. Marine Corps Reserve, with two years on active duty during the Korean conflict; and

WHEREAS, Rep. Manley has been the Commanding Officer of the 100th Rifle Company in Montgomery, and, more recently, the Commanding Officer of the 4th Battalion in Birmingham, which is the largest Marine Corps Reserve unit in Alabama; and

WHEREAS, Rep. Manley, as Commanding Officer of the Marine Corps Reserve Unit in Birmingham, received for an unprecedented two consecutive years, awards on the behalf of his unit for the best military marching unit in the National Veterans' Day Parade in Birmingham; and

WHEREAS, Representative Manley's military education includes attendance at the Nuclear Biological and Chemical Defense School, the Amphibious Warfare School, the U. S. Artillery School, and the Air Intelligence School, and the U. S. Naval Justice School, where he achieved his license to practice before the U. S. Court of Military Appeals, the highest military court in the country; and

WHEREAS, Rep. Manley has demonstrated an active community interest as a practicing attorney in Demopolis, a Rotarian, a member of the Chamber of Commerce, and a Methodist; and

WHEREAS, he has been accorded the Armed Forces Reserve Medal and the Organized Forces Reserve Medal for his dedication and hard work in the U. S. Marine Corps Reserve; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our highest congratulations to our friend and colleague for his promotion to full colonel and for his admirable service to the U. S. Marine Corps Reserve and to his community.

BE IT FURTHER RESOLVED, That a copy of this resotion be presented to Rep. Richard S. Manley.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 77 H.J.R. 113—McCorquodale

HOUSE JOINT RESOLUTION

COMMENDING JOSEPH F. (JOE) BOYLES FOR HIS DISTINGUISHED CAREER IN THE VETERANS OF FOREIGN WARS.

WHEREAS, Joseph F. (Joe) Boyles served in the European Theatre of Operations and Army of Occupation following World War II; and

WHEREAS, He served as District Commander of District 10, Veterans of Foreign Wars in Jackson, Alabama, then as State Chief of Staff, and State Junior and Senior Vice Commander of the Veterans of Foreign Wars; and

WHEREAS, Joe Boyles' distinguished service in the Veterans of Foreign Wars lead to his being selected as the current State Commander of the Veterans of Foreign Wars; and

WHEREAS, his wife, Mary Katherine, and daughters, Kelly, Kim, Kit and Kathy, as well as the people of Clarke County and the State are proud of Joe Boyles' accomplishments; and

WHEREAS, the Jackson, Alabama chapter of the Veterans of Foreign Wars is honoring Joe Boyles by having a dance and celebration in his honor Saturday, May 15, 1976; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take this opportunity to commend Joe Boyles on his devoted career to the Veterans of Foreign Wars and congratulate him on being selected as the State Commander of the Veterans of Foreign Wars.

BE IT FURTHER RESOLVED, That Joe Boyles be presented with a copy of this resolution.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 78 H.J.R. 118—Malone

HOUSE JOINT RESOLUTION

COMMENDING POLICE CHIEF FRANK JACKSON OF CHICKASAW.

WHEREAS, by his ability and experience, Frank Jackson

of Chickasaw has worked his way up to become police chief of Chickasaw; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Frank Jackson has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Chickasaw; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Frank Jackson for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Frank Jackson.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 79 H.J.R. 119—Malone

HOUSE JOINT RESOLUTION

WHEREAS, by his ability and experience, Frank Pridgeon of Saraland has worked his way up to become police chief of Saraland; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Frank Pridgeon has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Saraland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Frank Pridgeon for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Frank Pridgeon.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 80 H.J.R. 120—Malone

HOUSE JOINT RESOLUTION

COMMENDING POLICE CHIEF WILLIAM E. HOWELL OF PRICHARD.

WHEREAS, by his ability and experience, William E. Howell of Prichard has worked his way up to become police chief of Prichard; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, William E. Howell has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Prichard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends William E. Howell for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to William E. Howell.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 81 H.J.R. 121—Malone, McMillan

HOUSE JOINT RESOLUTION

COMMENDING POLICE CHIEF PETE BARLOW OF SATSUMA.

WHEREAS, by his ability and experience, Pete Barlow of Satsuma has worked his way up to become police chief of Satsuma; and

WHEREAS, he devotes so much of his time and energy in the interest of law enforcement; and

WHEREAS, our communities rely on such a law enforcement officer to protect our well-being and to provide us with safety; and

WHEREAS, Pete Barlow has distinguished himself in his community and police department by his devotion to duty and hard work; and

WHEREAS, he has maintained a relatively low rate of crime and violence within his jurisdiction and has effectively organized the police department in Satsuma; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Pete Barlow for his service to his community as police chief and wishes him success in future years.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pete Barlow.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 82 H.J.R. 158—Turnham, Carothers, Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING L. L. SELLERS, ACTING STATE SUPERVISOR OF VOCATIONAL AGRICULTURE.

WHEREAS L. L. Sellers graduated from McKenzie High School in McKenzie, Alabama, and later received his B. S. and M. S. Degree from Auburn University; and

WHEREAS L. L. Sellers began his long, impressive career in vocational agriculture in 1929 in Foley, moved to Citronelle two years later, and then began teaching at Albertville until his appointment to District Supervisor with the State Department of Education; and

WHEREAS he has since then served as District Supervisor in Southeast Alabama, as Assistant State Supervisor, and as Acting State Supervisor of Vocational Agriculture; and

WHEREAS L. L. Sellers has the longest tenure with the State Department of Education of anyone in Alabama with

thirty-nine years and has the longest tenure as a district supervisor of vocational agriculture on the State staff of any person in the United States; and

WHEREAS in his loyal service to the State Department of Education, L. L. Sellers has received many service awards and citations for outstanding service to youth and adults, including a citation from England and being named in Who's Who on a state and national level; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend L. L. Sellers for his dedicated and admirable service to the State Department of Education and for his hard work in the field of vocational agriculture.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to L. L. Sellers.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 83 H.J.R. 161—Folmar

HOUSE JOINT RESOLUTION

CONGRATULATING TROY STATE UNIVERSITY GOLF TEAM.

WHEREAS the Troy State University golf team has brought distinction and honor to itself and to the people of the State of Alabama by winning the National Collegiate Athletic Association Division II golf championship; and

WHEREAS the Troy State University golf team was the first such team representing any Alabama college or university to win a National Collegiate Athletic Association championship; and

WHEREAS the Troy State University golf team won its national tournament decisively and with dignity by outdistancing other competing teams by a thirty one stroke margin; and

WHEREAS the Troy State University golf team's margin of victory was the fourth largest in the seventy nine year golf history of the National Collegiate Athletic Association; and

WHEREAS the Troy State University golf team has won more major golf tournaments than any other college or university team in the deep south; and

WHEREAS the Troy State University golf team, during

the current season, has won the Alabama Intercollegiate Tournament; the Galveston Island Classic and the Southern Junior-Senior College Tournament; and

WHEREAS the Troy State University golf team, in addition to its National Collegiate Athletic Association Division II National Championship, has also been declared the Gulf South Conference champion; and

WHEREAS the Troy State University national championship golf team is composed of Ronny Mobley, Brundidge, Alabama; Ricky Beck, Geneva, Alabama; Rob Kelley, Frisco City, Alabama; Don Reese, Grosse Isle, Michigan; and Rob Ashby, Sanford, Florida; and

WHEREAS the Troy State University golf team is coached brilliantly by Mike Griffin, Thomasville, Alabama; and

WHEREAS it is both fitting and proper that such extraordinary ability and athletic acumen be publicly recognized with the greatest possible degree of prominence;

NOW, THEREFORE, BE IT RESOLVED that the legislature of the State of Alabama, both houses concurring, does hereby commend and congratulate the Troy State University golf team, its players and coach; and

BE IT FURTHER RESOLVED that the legislature of the State of Alabama does hereby direct that copies of this resolution be provided to members of the Troy State University golf team, its players and coach; to Dr. Ralph W. Adams, President of Troy State University; to members of the Troy State University Board of Trustees; and to members of the state's news media.

Approved June 17, 1976

Time: 5:30 P.M.

Act No. 84 H.J.R. 126—Robertson

HOUSE JOINT RESOLUTION

CREATING THE BOARD OF CORRECTIONS MANAGEMENT AND PERFORMANCE EVALUATION COMMITTEE.

WHEREAS, the Governor of the State of Alabama and the Board of Corrections are presently under Federal Court Order mandating certain changes and improvements in the conditions of Alabama's prisons; and

WHEREAS, the findings of the Legislative Prison Task Force which was created as a sub-committee of the legislature's Interim Committee on Finance and Taxation reflect that

the conditions, management, and financial status of the Alabama prison system present very realistic and severe problems which must be dealt with on a continuing basis; and

WHEREAS, said task force, in its report to the Legislature, details specific problems regarding the internal operation, care, maintenance and management of the prison system along with certain recommendations which, if implemented, would assist in alleviating these problems; and

WHEREAS, there is a mounting concern among the citizenry of this state for the aforementioned problems and resolution thereof; and

WHEREAS, the overall financial condition of the state may be drastically affected by the necessity of solving the problems of the prison system, and increased operational and management efficiency would help reduce the financial burden and obligation of the State of Alabama to improve the prison system; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a permanent legislative committee which shall be composed of 6 members, 2 of which shall be ex-officio and 4 of which shall be appointed, 2 each to be appointed by the President of the Senate and Speaker of the House, who shall both serve as the ex-officio members, the chairman to be selected by and from among the membership, shall be formed to assist in realizing the recommendations of the legislative task force and examine all aspects of the operations of the Board of Corrections. The Committee shall make diligent inquiry and a full examination of Alabama's present and long term prison needs and they shall file reports of their findings and recommendations to the Alabama Legislature not later than the 15th legislative day of each regular session that the committee continues to exist.

BE IT FURTHER RESOLVED, That the committee shall be empowered to comply with the specific task force recommendations that 3 persons, one each from the following areas, Department of Public Safety, Examiners of Public Accounts and a person knowledgeable in the area of farm operation and management be utilized and employed by the committee as needed to assist in realizing the recommendations of the task force by working individually in their respective areas and collectively in all problem areas and are now or may exist in the prison system. The committee shall be further empowered to provide compensation for any consultant or person employed not presently in state service and said compensation shall be fixed in a reasonable amount plus any expenses as deemed necessary by the committee.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses incurred within the State for each day he attends a meeting of the committee when the Legislature is not in session or when the Legislature is in recess without pay. Each legislative member shall further be entitled to actual expenses for travel outside the State of Alabama which is deemed necessary by the Chairman and in accordance with the objectives of the committee. Such sums shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

Approved June 22, 1976

Time: 2:30 P.M.

Act No. 85 S.J.R. 34—Shelby, Gilmore and Bank

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MAYOR CLARENCE "SNOW" HINTON OF TUSCALOOSA.

WHEREAS this body has been duly informed of the unfortunate death of Mayor Clarence Snow Hinton on Sunday, May 16; and

WHEREAS Clarence Snow Hinton, a native of Tuscaloosa, attended Auburn and Alabama and served in World War II as second lieutenant in field artillery in Europe and the Pacific theatre, being discharged in April, 1946 as a major; and

WHEREAS Clarence Snow Hinton began his fifteen years of public service as Commissioner of Finance and Water Works in 1961 and then re-elected to this position in 1965; and

WHEREAS he was then elected Mayor of Tuscaloosa in 1969 and re-elected in 1973, establishing seven years of able service; and

WHEREAS he further served Tuscaloosa's interests as Vice Chairman of First Alabama Bank of Tuscaloosa, a member of the board of directors of Central Foundry Company, a member of the Greater Tuscaloosa Chamber of Commerce, a member of the First Baptist Church, a Mason and a Shriner, a member of the Elk Club, and a member of VFW and the American Legion; and

WHEREAS his numerous achievements were recognized and appreciated by his constituents and he is listed in Who's Who in the Southeast; and

WHEREAS he demonstrated his ability and concern throughout his many years of public office; and

WHEREAS Clarence Snow Hinton had the indispensable ability at assembling officials to accomplish a given goal or to resolve a common problem; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body laments the passing of such a respected and beneficial leader as Clarence Snow Hinton and expresses its full sympathies to his wife, Mrs. Marilyn Morgan Hinton, and to the other members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Marilyn Morgan Hinton.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 86 S.J.R. 18—Mitchell

SENATE JOINT RESOLUTION

MEETING DATES FOR WEEK OF JUNE 29 - JULY 1, 1976.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in lieu of the regular established meeting dates of the Legislature during the week of June 29 - July 1, 1976, that the Legislature meet at 12:00 Noon on Monday, June 28, 1976, and when they adjourn on Monday, June 28, 1976, they adjourn to meet again on Tuesday, June 29, 1976, at 10:00 A.M., and when they adjourn on Tuesday, June 29, 1976, they adjourn to meet again at their regular established meeting dates for the week of July 6 - 8, 1976.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 87 S.J.R. 38—Foshee

SENATE JOINT RESOLUTION

WHEREAS the concept of revenue-sharing has created

significant opportunities for improvements in both rural and urban regions of Alabama; and

WHEREAS the continuing application of revenue-sharing dollars allows desirable and responsible participation by both state and local government units in problem areas nearest each of these levels; and

WHEREAS the State of Alabama has experienced successful utilization of current and previously available revenue-sharing funds in advancing the social and economic health of its citizens; and

WHEREAS legislation is now under immediate consideration in the United States Congress which will substantially determine the impact and availability of revenue-sharing funds for the States in the future; and

WHEREAS, within the aforementioned federal legislation, a primary guideline for the receipt of such funds will be the degree of effort on the part of the several states to develop a master plan for the modernization of state government and of local government; and

WHEREAS, in addition to its record of successful utilization of revenue-sharing funds, the State of Alabama is currently involved in a major effort to effect a functional reorganization of state government and has cooperated with a large number of other states in efforts of this nature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urge the federal congress to continue and to strengthen the program of revenue-sharing to the states, recognizing the efforts by the State of Alabama, both past and present, to greatly advance the ideals and objectives of this very valuable program.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 88 S.J.R. 42—Edwards

SENATE JOINT RESOLUTION

CONGRATULATING THE STAFF AND STUDENTS OF AUSTIN HIGH SCHOOL FOR THEIR RECORD SETTING BLOOD DRIVE.

WHEREAS the student body and staff of Austin High School of Decatur held a blood drive on March 25, 1976; and

WHEREAS the blood drive by the staff and students broke their own national record set one year earlier; and

WHEREAS the old record was 1400 pints and the new donation record is 1460 pints of blood; and

WHEREAS the staff and students of Austin High School have performed a vital need of the community and set an example for others to follow; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the students and staff of Austin High School, especially Blood Drive Co-Chairmen Richard McGahan and Bonnie Johnson, Student Council President Frederick Thompson and Principal Bearl Whitsett for another successful blood drive.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above mentioned persons for their dedicated efforts.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 89 S.J.R. 54—Edwards

SENATE JOINT RESOLUTION

DECLARING THE WEEK OF JUNE 6 - 12 "ALABAMA POULTRY PRODUCTS WEEK."

WHEREAS, the poultry industry is Alabama's largest food industry, accounting for approximately 37 percent of the total farm income in Alabama in 1976; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks sixth in egg production, having produced 2.90 billion eggs in 1975 and four hundred million broilers; and

WHEREAS, poultry and eggs are such widespread products and can be purchased by Alabamians at reasonable prices; and

WHEREAS, Harold Ellis of Decatur has served with distinction and honor as president of the Alabama Poultry and Egg Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby recognizes and declares the week of June 6 - 12 as the "Alabama Poultry Products Week".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama Poultry and Egg Association.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 90 H.J.R. 162—Baker, Higginbotham, Whatley

HOUSE JOINT RESOLUTION

DESIGNATING RUSSELL COUNTY "THE COUNTY OF FORTS".

WHEREAS the Russell County Historical Commission is dedicated to the location, certification, and restoration of historical sites and places in Russell County; and

WHEREAS the sites of the following forts are located in Russell County: Fort Apalachicola (Spanish), Fort Mitchell, Fort Gilmer, Fort Bainbridge, Fort Ingersoll, Sand Fort, Drury's Stand and Fort Moore; and

WHEREAS three of these forts have been added to the National Register of Historic Sites and Places; and

WHEREAS there are other important historical sites located in Russell County; and

WHEREAS the Russell County Historical Commission believes that these sites serving as tourist centers can benefit East Alabama and Russell County both historically and economically; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Russell County be designated as "The County of Forts".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Russell County Historical Commission for their dedicated work.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 91 H.J.R. 182—Edwards, Plaster

HOUSE JOINT RESOLUTION

COMMENDING THE AMERICAN LEGION AUXILIARY

OF FORT DEPOSIT UPON THEIR BICENTENNIAL CELEBRATION.

WHEREAS, the Alabama legislature has learned of the bicentennial celebration being set up by the American Legion and American Legion Auxiliary on June 27, at 2 p.m. at the National Guard Armory in Fort Deposit; and

WHEREAS, the American Legion and American Legion Auxiliary of Fort Deposit is expending a great deal of effort to bring honor to our great county upon her two hundredth year; and

WHEREAS, the people of Fort Deposit should all appreciate and recognize the many beneficial contributions the American Legion and American Legion Auxiliary of Fort Deposit have made for their community; and

WHEREAS, the distinguished Admiral Thomas Moorer is scheduled to speak during this bicentennial celebration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the American Legion and American Legion Auxiliary of Fort Deposit for planning and preparing this celebration to honor our country in her bicentennial year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the American Legion and American Legion Auxiliary of Fort Deposit.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 92 H.J.R. 183—Edwards, Plaster

HOUSE JOINT RESOLUTION

COMMENDING THE TRICKEM BOY SCOUTS OF AMERICA TROOP NO. 285 OF HAYNEVILLE

WHEREAS, The Trickem Boy Scouts of America Troup No. 285 have prepared a Bicentennial Week Schedule to honor our country's two hundredth birthday; and

WHEREAS, These boy scouts have planned for a worship service, the performance of a play, a banquet, a parade, a memorial service, and a gospel concert; and

WHEREAS, the parents of these boy scouts and all the

citizens of Hayneville should be proud of the time and energy Troop No. 285 has devoted to honor our country's bicentennial year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the efforts of Troup 285 to celebrate the bicentennial year, and we wish them a happy and successful celebration.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Trickem Boy Scouts of America Troup No. 285.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 93 H.J.R. 159—McMillan, Kinsey, Sandusky, Johnstone, Sonnier, Malone, Cooper, Glass, McCulley, Callahan

HOUSE JOINT RESOLUTION

WELCOMING COLUMBIA PICTURES TO THE MOBILE-BALDWIN COUNTY AREA

WHEREAS, Columbia Pictures is presently involved with the filming of a movie entitled "Close Encounters of the Third Kind" in the Mobile-Baldwin County area; and

WHEREAS, this film production is operating on a multi-million dollar budget which will have a significant economic impact in these two counties; and

WHEREAS, producers Julia Phillips and Michael Phillips and director Steven Spielberg have employed hundreds of local area residents for their casts; and

WHEREAS, their six month stay in Alabama is greatly appreciated and welcomed by citizens in Mobile and Baldwin Counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body welcomes Columbia Pictures to the State of Alabama and hopes their enterprising venture proves successful.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Julia Phillips, Michael Phillips, Steven Spielberg, and four other copies to Columbia Pictures.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 94 H.J.R. 103—Venable

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS IN OPPOSITION TO MANDATORY SOCIAL SECURITY COVERAGE FOR ALL PUBLIC EMPLOYEES.

WHEREAS, the Committee on Ways and Means, of the United States House of Representatives is considering legislation to make Social Security coverage mandatory for all public employees; and

WHEREAS, this Legislature considers this a most obvious attempt to circumvent the Constitution of the United States, as it applies to the State-Federal relationship; and

WHEREAS, the Committee on Ways and Means of the United States House of Representatives is considering legislation to remove the capability of a state or local public entity to withdraw from Social Security, after two years notice; and

WHEREAS, this Legislature considers this an attempt of the Federal Congress to unilaterally change the Federal-State contract, after the fact, and without consideration;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That their opposition to these contemplated actions on the part of the Federal Congress, be officially declared, and such declaration be transmitted to each member of the Committee on Ways and Means, of the United States House of Representatives, and to each member of the Congressional Delegation of the State of Alabama.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 95 H.J.R. 116—Dial

HOUSE JOINT RESOLUTION

COMMENDING RANBURNE HIGH SCHOOL UPON WINNING THE CLASS 1A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, the Ranburne High School football team won the Class 1A championship title and posted a near perfect twelve wins and one loss record; and

WHEREAS, such a championship football team demands

unusual skill, ability, and determination, and the Ranburne High School football team displayed such characteristics; and

WHEREAS, Coach Harlen Robinson effectively organized his individual players to mold an outstanding team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the Ranburne High School football team and congratulates the coaches, players, managers, and cheerleaders on an exception football season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Kermit Huddleston, to the coaches: Harlen Robinson, David Mobley, and Tim Smith; to the team members: Garry Joe Barrett, Mitchell Burt, Tommy Hanson, Bruce Green, Gene Langley, Tony Mobley, Tommy Shepherd, Larry Smith, Gene Daniel, Roger Kimbrell, Tony McManus, Randy Morgan, Jerry Shepherd, Chuck Smith, Eddie Traylor, Dewayne Barrett, Dean Capes, Kevin Crumbley, Mark Hornsby, Tracy Mobley, Ray Nolen, Randall Skinner, Paul Smith, Joey Abrecrombie, Lee Daniel, Timmy Hanson, Keith Hornsby, Mike Kimbrell, Bobby Yarbrough, and Ronnie Farmer; to the cheerleaders: Metzi Morgan, Deborah Pollard, Paulette Smith, Debbie Benefield, Samantha Stephens, and Susan Pollard; and to the managers: Daryl Huddleston, Dean Gilliam, and Creig Walker.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 96 H.J.R. 134—Robertson, Johnson, Clark, Lee, Owens

HOUSE JOINT RESOLUTION

COMMENDING ADRIAN THOMAS McKINZEY UPON HIS RETIREMENT FROM TUSCALOOSA COUNTY HIGH SCHOOL.

WHEREAS, Adrian Thomas McKinzey demonstrated a notable, athletic ability in football, baseball, and basketball at Calhoun County High School and earned a football scholarship to Howard College which is now Samford University; and

WHEREAS, after graduation Adrian McKinzey began his educational and coaching career as an instructor at Tuscaloosa County High School in 1936; and

WHEREAS, as a football coach he compiled an impressive ninety wins, sixty-two losses, and eight ties including his 1946 football team that won nine games without a single loss or tie; and

WHEREAS, his basketball teams scored four hundred and seventy-two wins and reached the state tournament five times where the 1960 basketball team won the state championship; and

WHEREAS, Adrian McKinzey's integrity and honesty has set a fine example for his many students and athletic teams; and

WHEREAS, he will be sorely missed and often remembered for his innumerable contributions to Tuscaloosa County High School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Adrian Thomas McKinzey for his participation and achievements in the educational and athletic pursuits at Tuscaloosa County High School.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Adrian Thomas McKinzey and to the principal at Tuscaloosa County High School.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 97 H.J.R. 139—Baker, Whatley

HOUSE JOINT RESOLUTION

CONGRATULATING MISS CHERYL MOTE

WHEREAS Miss Cheryl Mote was named Miss Chattahoochee Valley Community College; and

WHEREAS this was the college's first pageant; and

WHEREAS Cheryl is a CVCC cheerleader and is majoring in education; and

WHEREAS Cheryl is the nineteen year old daughter of Mr. and Mrs. Robert Mote, who must be very proud of their daughter's accomplishments; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Cheryl Mote upon being selected Miss Chattahootchee Valley Community College, and wish her the best of luck in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Cheryl and her parents.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 98 H.J.R. 140—Baker, Whatley

HOUSE JOINT RESOLUTION

CONGRATULATING MISS ELIZABETH COUEY

WHEREAS Miss Elizabeth Couey was named "Girl of the Year" at the Girls Club annual banquet; and

WHEREAS Miss Couey is the twelve year old daughter of Rev. Jonathan Couey and Mrs. Learon Compton; and

WHEREAS Elizabeth is a sixth grade student at St. Patrick School; and

WHEREAS Elizabeth is a member of the 4-H Club of Phenix City and holds St. Patrick's highest award for general excellence; and

WHEREAS Miss Couey is very active in the Girls Club and received her award during National Girls Club Week; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Elizabeth Couey upon being named "Girl of the Year".

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Elizabeth and her parents.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 99 H.J.R. 141—Cross

HOUSE JOINT RESOLUTION

COMMENDING THE HAZELWOOD HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, the Hazelwood High School Football Team of Town Creek, Alabama, won the 2-A State of Alabama High School Football Championship for 1975; and

WHEREAS, the coaching staff and the Hazelwood Football Team has brought great credit and honor to Hazelwood High School and their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the said Hazelwood High School Football Team be commended for winning the 1975 State of Alabama 2-A Championship and the coaches and Hazelwood High School Football Team be commended for the great credit they have brought to Hazelwood High School and their community.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hazelwood High School Football Team; Coach Jackie Ferguson and his coaching staff; the Superintendent of County School; the Mayor, City of Town Creek, Alabama; W. J. Lee, Jr., Chairman of the Lawrence County Commission; and the principal of Hazelwood High School.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 100 H.J.R. 142—Crowe and the entire membership of the House of Representatives

HOUSE JOINT RESOLUTION

COMMENDING THE JOURNALISM INTERN GROUP FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, the ten members of the journalism intern group from the University of Alabama have spent the last three weeks interviewing and covering individual legislators; and

WHEREAS, these journalists reported back to their respective newspapers and thus provided many Alabamians with a close-up of their legislators at work; and

WHEREAS, these senior journalism majors gained a great deal of experience from this first year interim program conducted by the University of Alabama; and

WHEREAS, good reporting to keep the citizens of Alabama informed is such a vital role in any effective government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the ten members of the journalism intern group for a job well done and wishes them a successful future in journalism.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Dennis Greenwood, Lane Lambert, Jack Wheat, Mary Storey, Debbie Hartley, Rachael Harris, Kelly Bryan, Jean Bowler, Arrol Sheehan, Charleen James, and Dr. Charles Arrendale.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 101 H.J.R. 145—Plaster

HOUSE JOINT RESOLUTION

COMMENDING GARY HOLLON UPON HIS GRADUATION FROM AUTAUGA COUNTY HIGH SCHOOL WHILE CONFINED TO A HOSPITAL.

WHEREAS Gary Hollon was a victim of a tornado on March 12 and has since been confined to St. Margaret's Hospital in Montgomery; and

WHEREAS Gary Hollon, a senior at Autauga County High School, completed his homework assignments and took the necessary tests to graduate this year; and

WHEREAS Gary Hollon, who was unable to attend graduation ceremonies at Autauga County High School, was graduated at St. Margaret's Hospital by Principal Richard Huckaby; and

WHEREAS he overcame his serious injuries from the tornado to work toward his eventual graduation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Gary Hollon upon his graduation and wish him a speedy recovery from his injuries.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Gary Hollon and to his proud parents, Mr. and Mrs. Alfred Hollon.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 102 H.J.R. 160—McMillan, Kinsey, McCulley, Hines

HOUSE JOINT RESOLUTION

AUTHORIZING STATE AGENCIES TO ASSIST THE

ALABAMA FORESTRY COMMISSION TO FIGHT WILDFIRES.

WHEREAS, the protection of the forests and fields of Alabama from wildfire is basic to the environmental and economic well-being of every Alabama citizen; and

WHEREAS, the conservation and protection of these natural resources is an inherent responsibility of all users; and

WHEREAS, the Forestry Commission, State of Alabama, is the state agency with primary wildfire protection responsibility; and

WHEREAS, it is impractical to constantly maintain adequate forces for the specific reason of coping with all potential wildfire emergencies; and

WHEREAS, in the event of a major forest fire the cooperation of various state agencies would be needed to successfully combat and control major conflagrations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all state agencies in the performance of their duties and responsibilities to the people of Alabama are authorized to aid and assist the Alabama Forestry Commission in the control and suppression of wildfires on request of the Governor of Alabama with such requested resources that are reasonably available and needed to cope with the specific situation.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 103 H.J.R. 163—Hill, Greer, Coburn

HOUSE JOINT RESOLUTION

COMMENDING THE BRADSHAW HIGH SCHOOL BASKETBALL TEAM UPON WINNING THE 1976 4A STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, the Bradshaw Bruins captured the 1976 4A State Basketball Championship, while posting an impressive record of twenty-five wins and eight losses for the year; and

WHEREAS, the Bruins devoted a lot of time and energy to produce such a championship team; and

WHEREAS, Coach Eddie Frost and his assistant coaches are due much credit not only for the great skill displayed in team play, but also for the fine spirit and will to win which is necessary for a winning team; and

WHEREAS, the spirit that the Bruins exemplified is reflective of their school, faculty, parents, and the good citizens of Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Bradshaw Bruins for an outstanding season and wish them another successful season next year.

BE IT FURTHER RESOLVED, That we congratulate Coach Eddie Frost for winning "Coach of the Year" in this State.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Ricky Tucker, Bryan Cruce, Jerry Newman, Ben Scoggin, Larry Swoopes, John Irons, Darryl Brannon, David Brewer, Otis Boddie, Ken Irons, A. E. Joiner, Assistant Coach Charles Cunningham, Assistant Coach William Tease, Assistant Coach Gerald Clark, and Coach Eddie Frost.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 104 H.J.R. 165—Gregg

HOUSE JOINT RESOLUTION

WHEREAS, THE Campus Crusade for Christ under the direction of Mr. Bill Bright has just completed "Here's Life Alabama," a crusade designed to emphasize and strengthen Christian principles in the daily lives of Alabamians; and

WHEREAS, "Here's Life Alabama" has placed over five thousand personal calls in Huntsville and over 950 persons have responded to those calls by praying to bring Christ into their lives; and

WHEREAS, this effort has been a cooperative undertaking on behalf of thirty-two churches in Huntsville representing all denominations; and

WHEREAS, it is hoped the Huntsville Crusade will serve as an example of success of such an effort in smaller cities across America;

NOW THEREFORE BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, THE HOUSE AND SENATE THEREOF CONCURRING, does hereby commend and congratulate Dr. Bill Bright, the Campus Crusade Staff, and the volunteers who dedicated their days and nights towards a successful campaign; and

BE IT FURTHER RESOLVED, That special recognition be afforded the Reverend Eugene R. Nail, the Highlands Baptist Church, and Mr. Jerry Barber who provided unselfish leadership in this effort.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 105 H.J.R. 166—Gregg

HOUSE JOINT RESOLUTION

WHEREAS, the Campus Crusade for Christ under the direction of Dr. Bill Bright has just completed "Here's Life Alabama," a crusade designed to emphasize and strengthen Christian principles in the daily lives of Alabamians; and

WHEREAS, "Here's Life Alabama" has placed over five thousand personal calls in Huntsville which has resulted in over nine hundred and fifty persons responding by praying to bring Christ into their lives; and

WHEREAS, this Crusade was a cooperative effort on behalf of thirty-two churches in Huntsville representing all denominations; and

WHEREAS, it is hoped that the Huntsville effort will provide an example that such crusades are indeed worthwhile in the smaller cities across America;

NOW THEREFORE BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, THE HOUSE AND SENATE THEREOF CONCURRING, does hereby commend Dr. Bright, the Campus Crusade, the Highlands Church, the Reverend Eugene R. Nail, Mr. Jerry Barber, and the dedicated Christians of Huntsville who have participated as ambassadors of the Lord in offering the enrichment of Christian life to their Brothers and Sisters.

Approved June 23. 1976.

Time: 4:15 P.M.

Act No. 106 H.J.R. 188—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the two Houses

not meet as a Legislative Day on Thursday, July 15, 1976, and

BE IT FURTHER RESOLVED, That the two Houses shall be authorized to meet for the 30th Legislative Day on Monday, August 16, 1976.

Approved June 23, 1976.

Time: 4:15 P.M.

Act No. 107 H. 195—Gregg, Lutz, Riddick

AN ACT

To amend Section 253 of Title 37 of the Code of Alabama of 1940 so as to clarify those provisions of said section relating to refunding certificates of indebtedness, refunding warrants and refunding notes and so as to specify with particularity the maximum principal amount of refunding certificates of indebtedness, refunding warrants and refunding notes that may be issued by a municipality for the purpose of funding or refunding outstanding certificates of indebtedness, warrants or notes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 253 of Title 37 of the Code of Alabama of 1940 shall be and hereby is amended to read as follows:

§253. Refinancing indebtedness; procedure according to act of congress. The governing body of any county, city, or town which shall authorize the issuance of refunding or funding bonds may exercise all powers deemed necessary by such governing body for the execution and fulfillment of any plan or agreement for the settlement, adjustment, refunding or funding of the indebtedness of such county, city or town, not inconsistent with the provisions of law relating to the issuance of refunding or funding bonds. Without limiting the generality of any of the foregoing powers, it is expressly declared that any such governing body shall have the power to take all steps and proceedings contemplated or permitted by any act of the congress of the United States, relating to the readjustment of municipal indebtedness. And the state of Alabama hereby gives its assent thereto, and hereby authorizes each county, city or town in the state to proceed under the provisions of such acts for the readjustment of its debts. The governing body of any municipality in this state is hereby authorized to issue, without an election, refunding interest-bearing certificates of indebtedness or refunding interest-bearing warrants or refunding interest-bearing notes maturing at such time or times as the governing body may determine, not exceeding thirty years from their respective dates, for the purpose of funding or refunding outstanding certificates of indebtedness

or warrants or notes of such municipality (or any combination thereof), whether the same are due at the time of such funding or refunding or at a later date, in an aggregate principal amount not exceeding the sum of (a) the outstanding principal of such outstanding certificates, warrants or notes, (b) the interest accrued and unpaid thereon plus the interest to mature thereon until the earliest date on which, under their terms, they may be redeemed or paid, and (c) the amount of any redemption premium required, by their terms, to be paid as a condition to their redemption prior to their respective maturities, or for the purpose of refunding or discharging any judgment or judgments based upon such obligations, and the governing body of any such municipality may pledge to the payment of the principal of and interest on said refunding certificates of indebtedness or refunding warrants, or refunding notes any tax, or license, or revenues which the municipality may then be authorized to pledge to the payment of bonded or other indebtedness.

Section 2. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved June 29, 1976.

Time: 2:30 P.M.

Act No. 108 S.J.R. 45—Waldrop

SENATE JOINT RESOLUTION

CONGRATULATING THE HOKES BLUFF HIGH SCHOOL TEAM FOR WINNING THE 1976 ALABAMA CLASS AA BASEBALL CHAMPIONSHIP.

WHEREAS, the Hokes Bluff High School "Eagles" Baseball Team is the newly crowned 1976 Class AA Baseball Champion of Alabama; and

WHEREAS The Hokes Bluff baseball team has won the state high school 2A baseball championship for the second consecutive year; and

WHEREAS the Hokes Bluff Eagles of Hokes Bluff concluded the 1976 season with an impressive twenty-two wins and two losses record running their two-season mark to forty-two wins and four losses; and

WHEREAS, the Team achieved that status due to its members outstanding ability, dedication, and performances as evidenced by its record; and

WHEREAS, Coach Mike Estes is due much credit not only for the high degree of technical skill displayed in successful team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS, the spirit of the Team is reflective of the Hokes Bluff High School Faculty and entire student body, as well as the parents and good citizens of the Hokes Bluff area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do most heartily congratulate and commend the Hokes Bluff High School Baseball Team for winning the 1976 Championship of the Alabama Class AA Baseball Tournament.

BE IT FURTHER RESOLVED that copies of this Resolution be delivered to the principal, the coaches, and each team member.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 109 S.J.R. 46—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ADOLPH PHILIP REICH

WHEREAS, The Alabama legislature has noted with deep regret the death of Adolph Philip Reich on May 19; and

WHEREAS, Adolph Reich was the builder of Gadsden's Hotel Reich and a civic leader for six decades in which time he sought to meet the demanding needs of Gadsden; and

WHEREAS, Adolph Reich proved successful in the business community as a former director of the American Hotel Association and director of the First National Bank; and

WHEREAS, his activity in civic affairs included being a founder and vice president of the Lee Highway Association, a charter member and founder of the Birmingham Quarterback Club, and a former member of the Gadsden Board of Education; and

WHEREAS, his social interest in Gadsden was demonstrated by his participation as a member of the Kentucky Colonels, the Masons, the Shriners, the Elks Club, the American Legion, Rotary, the Gadsden Quarterback Club and the Sarasota Yacht Club; and

WHEREAS, Adolph Reich, a graduate of the University of Alabama and a lieutenant in World War I, was a former senior warden of the vestry at the Episcopal Church of the Holy Comforter; and

WHEREAS, he was a most prominent and influential leader in the civic, social, and religious life of Gadsden and will be sorely missed by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the unfortunate death of Adolph Philip Reich who gave much of his life to the betterment of Gadsden, and we wish to extend our deepest sympathies to his daughter, Mrs. Walter Richardson and to his seven grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Walter Richardson.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 110 S.J.R. 47—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF HORACE RUPERT HARRIS

WHEREAS, the Alabama legislature has learned of the most unfortunate death of Horace Rupert Harris on Friday, May 21; and

WHEREAS, Horace Harris was custodian at the Striplin Elementary School and had been employed by the Gadsden City Board of Education for approximately twenty years; and

WHEREAS, Horace Harris showed a keen religious interest in his community as a member of the Deacon Board at the Union Baptist Church, as president of the Senior Choir, as Mascot for the Matrons, as a member of the Men's Bible Class, as a member of the Male Chorus, as superintendent of the Sunday School for twenty-seven years, as church clerk, and as first secretary of the Northeast District Laymen Movement; and

WHEREAS, he was a member of the Circle No. 1 of Fellowship Baptist Church and had been a resident of Gadsden for some sixty years; and

WHEREAS, his religious interest combined with his benevolence and kindheartedness to make a good citizen and friend of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Horace Rupert Harris and extend our deepest sympathies to his many friends and loved ones.

BE IT FURTHER RESOLVED, That copies of this Resolution be directed to his sons, Howard and Rickey Harris; to his daughters, Mrs. Lula Pearl Davis, Mrs. Margaret Smith, and Mrs. Antionette Howard; to his brother, Ralph Harris; and to the Union Baptist Church.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 111 S.J.R. 48—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES CLARENCE BLACKMAN

WHEREAS the Alabama legislature has been informed of the most unfortunate death of James Blackman; and

WHEREAS James Blackman, a native of Etowah County and a resident of Etowah and St. Clair counties all of his life, had developed many close friendships with the people he had grown up and lived with; and

WHEREAS James Blackman, a retired groceryman, had worked hard all his life within his community; and

WHEREAS he demonstrated a religious interest within his community as a member of the Shiloh Baptist Church; and

WHEREAS James Blackman's death is deeply lamented by his fellow members of the Etowah County Foxhunters Association, his many personal friends, and his loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the death of James Blackman and expresses its sincere sympathies to his wife, Mrs. Gussie Bowlen Blackman; to his mother, Mrs. Mary Blackman; and to his sisters, Mrs. Dollie B. Wood, Mrs. Ann Buckelew, and Mrs. Harold Malcolm.

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted to Mrs. Gussie Blackman, Mrs. Mary Blackman, Mrs. Dollie Wood, Mrs. Ann Buckelew, and Mrs. Harold Malcolm, all of Attalla.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 112 S.J.R. 50—Waldrop

SENATE JOINT RESOLUTION

COMMENDING THE GASTON BASEBALL TEAM

WHEREAS the Gaston Bulldogs have posted an outstanding record this season of eighteen wins and six losses; and

WHEREAS the Gaston Bulldogs have won the Class A 1976 state baseball championship; and

WHEREAS Coach Randy Ross has ably led his team through an exceptional season and into the state title; and

WHEREAS each team player on the Gaston Bulldogs has demonstrated skill, ability, and a knowledge of the game of baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates the fine ability and success that the Gaston Bulldogs have demonstrated.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Randy Ross and to each team member of the Gaston Bulldogs.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 113 S.J.R. 56—Edwards

SENATE JOINT RESOLUTION

COMMENDING DOCTOR CARLTON KELLEY UPON HIS RETIREMENT AS PRESIDENT OF JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

WHEREAS, Doctor Carlton Kelley received his B.A. Degree from Birmingham-Southern College and an M.A. Degree from the University of Alabama. He was awarded an honorary doctorate by Athens College in 1965; and

WHEREAS, Doctor Carlton Kelley has been president of Calhoun State Community College since it was authorized by the Alabama Legislature in 1965. He has been head of the junior college since it was first organized as the Tennessee Valley Technical School in the 1940's; and

WHEREAS, Doctor Carlton Kelley returned to Decatur to assume the leading role in the guidance and education for students of Calhoun State Community College. He displayed a personal interest for the students and a genuine concern for their welfare; and

WHEREAS, Doctor Carlton Kelley as president emeritus will continue to serve Calhoun State Community College in the formal duties at school functions; and

WHEREAS, Doctor Carlton Kelley has won the appreciation of the student body as well as the full support of the faculty and staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body recognizes the noteworthy contributions Doctor Carlton Kelley has made for education in the State of Alabama, and wishes him all the success and happiness in his years of retirement.

RESOLVED FURTHER, That a copy of this resolution be sent to Dr. Carlton Kelley.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 114 S.J.R. 61—Edwards

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE JAMES CROW, JR., CIRCUIT JUDGE OF MORGAN COUNTY

WHEREAS the Alabama legislature has learned with deep regret of the passing of Judge James Crow of Decatur; and

WHEREAS Judge Crow served as county judge from

1940 until 1945 and was then appointed to circuit judgeship of Morgan County; and

WHEREAS he was vice president of the Decatur Chemstrand plant and was later named director of governmental and civic affairs, southern region, for Monsanto; and

WHEREAS Judge Crow further served his state as a land officer for the Alabama Board of Mental Health and as a thirty-year veteran on the State Conservation Advisory Board; and

WHEREAS Judge Crow became very involved in Civic affairs as president of the Alabama Chamber of Commerce, a trustee on boards at Judson College and Samford University, a past director of the Federal Reserve Bank Board of Atlanta, and a member of the Rotary Club; and

WHEREAS his religious interest was demonstrated as he served as a member of the board of deacons of Central Baptist Church and as a teacher for the men's Sunday School class; and

WHEREAS Judge Crow's long time service and many contributions to his community and state are greatly appreciated by this legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the most unfortunate death of Judge James Crow, Jr. and sends its deepest sympathies to his wife, Mrs. Elizabeth Crow, Decatur; his two sons, James Harris Crow III and Pat Crow, both of Birmingham; a sister, Mrs. Edgar Young, Decatur; and two grandchildren, James H. Crow IV and Elizabeth Louise Crow, both of Birmingham.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mrs. Elizabeth Crow, James Harris Crow III, Pat Crow, and Mrs. Edgar Young.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 115 S.J.R. 62—McMillan, Ellis, Clemon, Vacca, Pearson, Gilmore, Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. JOHN HALL BUCHANAN, RETIRED PASTOR OF SOUTHSIDE BAPTIST CHURCH.

WHEREAS, the Alabama Legislature has learned with deep

regret of the most unfortunate death of Dr. John Hall Buchanan; and

WHEREAS, John Buchanan, was ordained to the Baptist ministry in 1907, and held pastorates in Mississippi, Texas, Kentucky, Tennessee, Arkansas, and Georgia before moving to Birmingham where he served as pastor at Southside Baptist Church until 1957; and

WHEREAS, John Buchanan obtained honorary Doctor of Divinity degrees from Ouachita College, and Samford University and achieved an honorary LLD degree from William Jewel College and was a trustee of Samford University, Ouachita College, and Union College; and

WHEREAS, he demonstrated an outstanding devotion to the Baptist ministry as president of the Southern Baptist Convention executive committee, vice-president of the SBC Foreign Mission Board, a member of the Home Mission Board, a member of the Southern Baptist Relief and Annuity Board, former president of the Birmingham Baptist Pastors' Conference, as well as president of the Alabama Baptist State Convention; and

WHEREAS, John Buchanan showed an interest in Birmingham's welfare as past president of the Birmingham Rotary Club, vice-president of the Community Chest, a trustee of the YMCA and YWCA, a founder of the Five Points South YMCA, winner of the Birmingham Man of the Year in 1956, and an honorary life director of the Community Chest in 1959; and

WHEREAS, John Buchanan's concern and participation in civic affairs included presidency of the Birmingham Pardon and Parole Board for fifteen years, membership on the executive committee of the Birmingham Council of Christian Education, on the Board of Planned Parenthood of Alabama, on the advisory board of the Birmingham Botanical Gardens, and treasurer for the Japanese Gardens; and

WHEREAS, his many contributions to his community and state won him the Freedoms Foundation George Washington Medal, the Algeron Sydney Sullivan Award from Judson College, and the first B'nai-B'rith Humanitarian Award in 1959; and

WHEREAS, John Buchanan will be sorely missed by his many friends and loved ones; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. John Buchanan who gave so much to noble causes, and we wish to express our deepest sympathies to his wife, Mr. John H. Buchanan, Sr., his son Rep. John

Buchanan, Jr. of Washington, D.C.; his three daughters, Mrs. Jared Allen Walker and Mrs. David M. Vess, both of Birmingham, and Mrs. J. Sheril Jones of Monroe, Georgia: his sister, Mrs. J. Rowan Claypool, Nashville, Tennessee; and his brother, James E. Buchanan, Blue Mountain, Mississippi.

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to Mrs. John H. Buchanan, Sr., Rep. John Buchanan, Jr., Mrs. Jared Walker, Mrs. David Vess, Mrs. Sheril Jones, Mrs. Rowan Claypool, and James Buchanan.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 116 S.J.R. 69—Shelby

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOSEPH A. DUCKWORTH, BUSINESS AND CIVIC LEADER IN TUSCALOOSA

WHEREAS, this legislature has been informed of the death of Joseph A. Duckworth, a prominent business and civic leader in Tuscaloosa for nearly seventy years; and

WHEREAS, Joseph Duckworth first came to Tuscaloosa in 1907 with his new bride Virginia Clemson, and later in 1918 he joined with Charles Morris to form the Duckworth- Morris Insurance Company with which he was associated until his death; and

WHEREAS, Joseph Duckworth saw the need for long-term home loans in his community and so formed the Tuscaloosa Building and Loan Association, forerunner of First Federal Savings and Loan Association. He served as president of the savings and loan association until 1952 and chairman of the board until 1970, from which time he has served as chairman and director emeritus of First Federal; and

WHEREAS, his business enterprises further include service on the Board of Directors of the U. S. Savings and Loan League and president of the Alabama Association of Insurance Agents; and

WHEREAS, Joseph Duckworth also demonstrated a concern in health service as he was one of the developers of Druid City Hospital, one of the first two Fellows of the Druid City Hospital Foundation, and a member of the hospital's board of trustees for twenty-five years; and

WHEREAS, his activity in community affairs extended to the Tuscaloosa Rotary Club, which he served as president in 1929, as district governor in 1930, as sergeant-at-arms at the 1936 International Convention in Mexico, and as a Paul Harris Fellow in 1973; and

WHEREAS, Joseph Duckworth's many civic responsibilities included developer, a board member, past president, and committee chairman of the Tuscaloosa Chamber of Commerce, as well as thirty years of service on the Tuscaloosa City Board of Education including tenures of vice-president and president; and

WHEREAS, Joseph Duckworth also exhibited a religious responsibility to the First United Methodist Church as chairman of its board of stewards, chairman of the finance committee, chairman of the board of trustees, church treasurer, and a long time Sunday School teacher; and

WHEREAS, Joseph Duckworth received many awards and citations noting his outstanding contributions to his community such as "Insuror of the Year" in 1959, "Citizen of the Year" in 1953, and a degree of honorary doctor of laws by the University of Alabama in 1974; and

WHEREAS, Joseph Duckworth will be long recognized for his many unselfish contributions to Tuscaloosa and will be sorely missed by his many friends and loved ones; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Joseph A. Duckworth, a great citizen of the City of Tuscaloosa, and we express our deepest sympathies to his son, J. Clemson Duckworth; to his daughter, Mrs. Helen Greer, of Birmingham; and to his four grandchildren, and seven great-grandchildren.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to J. Clemson Duckworth and to Mrs. Helen Greer.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 117 S.J.R. 71—Shelby

SENATE JOINT RESOLUTION

COMMENDING H. I. JAMES UPON HIS RETIREMENT

AS PRESIDENT OF SHELTON STATE TECHNICAL COLLEGE.

WHEREAS, H. I. James has served as president of Shelton State Technical College in Tuscaloosa since its inception and will retire from this position in June; and

WHEREAS, he lost both of his parents when he was twelve years old and had to drop out of school in order to work; and

WHEREAS, he later entered high school in Birmingham where he earned enough credits, without graduating, and so excelled in athletics that he won a football scholarship to Birmingham Southern College in 1929; and

WHEREAS, he completed his high school graduation requirements his senior year of college and took both diplomas that same year; and

WHEREAS, after being employed as a high school instructor, Mr. James entered the vocational education field in 1939, serving as vocational coordinator at Union Springs, Gadsden, and Emma Sansom High Schools; and

WHEREAS, he later assumed the position of assistant superintendent of education in Gadsden immediately prior to his appointment as director of Shelton State Technical College; and

WHEREAS, Shelton State has enjoyed great physical and curricular expansion and, during his tenure, has received full accreditation by the Southern Association of Colleges and Schools; and

WHEREAS, the complex which now houses one of the largest centers of mechanical technology of any technical school in the Southeast was named for Mr. James in recognition of his many contributions to education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges and congratulates H. I. James for his successful tenure as president at Shelton State Technical College and for his forty-one year career as an educator.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. H. I. James.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 118 S.J.R. 72—Shelby

SENATE JOINT RESOLUTION

COMMENDING WILLIAM H. LANFORD, THE NEW PRESIDENT OF THE UNIVERSITY OF ALABAMA NATIONAL ALUMNI ASSOCIATION.

WHEREAS, William H. Lanford has been selected as the new president of the University of Alabama National Alumni Association; and

WHEREAS, he has been active in the National Alumni Association since his graduation from the University of Alabama in 1939 in the College of Commerce and Business Administration; and

WHEREAS, William Lanford has been very involved in charitable enterprises, being chairman of the Tuscaloosa County Heart Fund and Cancer Fund campaigns and being on the board of directors for the Tuscaloosa United Fund Drive; and

WHEREAS, he is further involved with his community as a member on the Tuscaloosa City Board of Education and also as the new President and a member of the Board of Directors of the New Southland Insurance Company; and

WHEREAS, his participation and concern in the affairs of Tuscaloosa is greatly appreciated by all of us; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate William H. Lanford upon becoming president of the University of Alabama National Alumni Association and wish him additional success in Tuscaloosa.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to William H. Lanford.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 119 H.J.R. 151—Carter

HOUSE JOINT RESOLUTION

COMMENDING THE ATHENS HIGH SCHOOL 1976 INDOOR TRACK TEAM UPON WINNING THE STATE 3-A TRACK MEET.

WHEREAS, Athens High School's Indoor Track Team won the State Indoor Track Meet held in Montgomery on February 7; and

WHEREAS, this track team distinguished itself in the track meet by scoring 54 points and having teammate Steve Parker named the most outstanding participant in this track meet; and

WHEREAS, such a championship team must train many weeks in preparation for the state track meet; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the fine performance of Athens High School's indoor track athletes and wish them another exceptional season next year.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to Steve Parker and to the principal of Athens High School.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 120 H.J.R. 152—Carter

HOUSE JOINT RESOLUTION

CONGRATULATING THE ATHENS HIGH SCHOOL 1976 OUTDOOR TRACK TEAM UPON WINNING THE STATE OUTDOOR 3-A TRACK MEET.

WHEREAS, Athens High School's Outdoor Track Team won the State Outdoor 3-A Track Meet at Selma on May 7 and 8; and

WHEREAS, these athletes trained diligently to win Athens High School's third state athletic championship in this school year; and

WHEREAS, this outdoor track team scored 56½ points at the track meet and broke two state records: Steve Parker in the 120 yard high hurdles with a time of 14.1 seconds; and Wayne Battles, Kerry Parker, Charlie Harris, and Steve Parker in the 440 relay team with a time of 43.3 seconds; and

WHEREAS, all of the members of this track team and the coaches successfully and proudly represented Athens High School in athletics; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Athens High School Outdoor Track Team for winning the state outdoor 3-A track meet and wish them another successful track season next year.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Kerry Parker, Steve Parker, Wayne Battles, Charlie Harris, and the principal at Athens High School.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 121 H.J.R. 157—Martin, Roberts, Drake, Cross

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RICHARD C. McWHORTER, CHAIRMAN OF COUNTY AND LOCAL SCHOOL BOARDS IN MORGAN COUNTY.

WHEREAS this legislature has been informed of the most unfortunate death of Richard C. McWhorter; and

WHEREAS R. C. McWhorter served on the Morgan County Board of Education for thirty-two years as chairman of county and local school boards; and

WHEREAS he further served his community's interests as a trustee and PTA president of Austinville High, founder and president of the Morgan County Farm Bureau and director of the executive board of the Alabama Bureau and has been praised through the years for improving rural education in Morgan County; and

WHEREAS R. C. McWhorter participated religiously in his community as one of the founders of Austinville Church of Christ and as a Sunday School teacher at this church. In 1959 R. C. McWhorter sold twenty thousand dollars worth of bonds to finance an addition to Austinville Church of Christ; and

WHEREAS he is sorely missed by his friends and many loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Richard C. McWhorter who contributed so much toward better education in Morgan County, and we wish to express our deepest sympathies to his two daughters, Mrs. Telette Napps, Sheffield; and Mrs. Twilight Royer, Decatur; his two sons, Jewel McWhorter and Kenneth McWhorter,

both of Decatur; his sister, Mrs. Ruth Lentz, Trinity; his brother, William H. McWhorter, Moulton; and to his six grandchildren and three great grandchildren.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Mrs. Telette Napps, Mrs. Twilight Royer, Jewel McWhorter, Kenneth McWhorter, Mrs. Ruth Lentz, and William H. McWhorter.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 122 H.J.R. 167—Owens, McCorquodale, Johnson, Lee, Clark, Robertson, Howard

HOUSE JOINT RESOLUTION

COMMENDING DANIEL OTIS McCLUSKEY, JR. UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

WHEREAS, Daniel Otis McCluskey of Birmingham achieved his B.S. Degree from Samford University in 1937 and became administrator of Druid City Hospital in Tuscaloosa in 1946, where he is still serving as administrator; and

WHEREAS, Daniel McCluskey's long service and devotion to the hospital field includes being a fellow of the American College of Hospital Administrators, a member of the Regional Advisory Board No. 4, a delegate and delegate-at-large to the American Hospital Association, Chairman of the Special Committee to Study Delivery of Health Services, President of the Alabama Hospital Association, President of the Southern Hospital Conference of 1954-55, a member and on the Board of Directors of Blue Cross-Blue Shield of Alabama, and a member of various other health councils and facilities in this state; and

WHEREAS, Daniel McCluskey's activity and interest in community affairs includes membership in the Member Exchange Club, the First United Methodist Church, Board of Directors of the United Fund of Tuscaloosa County, the Salvation Army Board, and presidency in 1969 and a present board member of the Greater Tuscaloosa Chamber of Commerce; and

WHEREAS, he has received through the years numerous awards and citations such as the "Gold Medal of Excellence" in 1971 from the Alabama Hospital Association, the "Distinguished Service Award" by the Greater Tuscaloosa Chamber

of Commerce, and "Boss of the Year" by American Business Womens' Club, local chapter; and

WHEREAS, on June 4, 1976, the American Hospital Association selected Daniel McCluskey, Jr., to be presented the Distinguished Service Award for his noteworthy service to hospitals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Daniel Otis McCluskey, Jr., who has long been recognized as an outstanding hospital leader in the South; and this body wishes to thank Daniel McCluskey for his many contributions to the health and well-being of the people of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Daniel Otis McCluskey, Jr.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 123 H.J.R. 168—Baker, Higginbotham, Smith (M), Whatley

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. HOWELL H. MANN OF PHENIX CITY.

WHEREAS, this legislature has been informed of the most unfortunate death of Dr. Howell Mann; and

WHEREAS, Dr. Howell Mann has served with distinction on the State Board of Chiropractic Examiners since 1960 and was its vice president at the time of his death; and

WHEREAS, Dr. Mann, who was president of the State Chiropractic Board for several years as well as president of the East Alabama Chiropractic Society, received the Chiropractic Doctor of the Year Award for the State of Alabama in 1965; and

WHEREAS, he was intensely involved with the civic and religious activities of his community and served on the Housing Authority Board of Phenix City for many years; and

WHEREAS, Dr. Mann will be sorely missed and long remembered by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Howell Mann who was one of the finest chiropractors in the State of Alabama, and we send our deepest sympathies to his wife, Amelda, his daughter, Mary Alissa, and to his son, Howell Mann, Jr.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the State Board of Chiropractic Examiners, the City of Phenix City, the East Alabama Chiropractic Society, and to his family.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 124 H.J.R. 170—Gafford

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE ALVIN HOLMES FOR HIS SELECTION BY THE MONTGOMERY PANHELLENIC COUNCIL AS "OUTSTANDING GREEK FOR 1976."

WHEREAS, the Alabama Legislature notes with much pride the coveted recognition attained by Representative Alvin Holmes, the energetic and dedicated outstanding member of the House of Representatives from Montgomery County; and

WHEREAS, Representative Holmes has demonstrated his dedication and concern for his fellowmen in his enthusiastic labors in their behalf and for the progress and betterment of his community; and

WHEREAS, this august body has observed in Representative Holmes' representation of his people: the valor of Achilles; the style of Homer; the strength of Hercules in his commitment to principle; the detached and scientific logic of Plato and Aristotle and the oratorical persuasion of Demosthenes; and

WHEREAS, the Montgomery Panhellenic Council has selected Representative Holmes as "Outstanding Greek for 1976" and the National Panhellenic Council will make the award to him at its annual convention in June; and

WHEREAS, Representative Holmes was selected for this distinct honor because of his outstanding community service; and

WHEREAS, Representative Holmes now takes his seat

among those renowned Grecian giants — Achilles, Homer, Hercules, Plato, Aristotle and Demosthenes; and

WHEREAS, these Grecian greats who formed a society unequaled in its era in intellect, culture and democracy were dedicated, like Representative Holmes to community service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does heartily congratulate and commend Representative Alvin Holmes for the high honor of "Outstanding Greek for 1976," bestowed on him by the Montgomery Panhellenic Council, and for his dedication to community service which earned him this award.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Representative Alvin Holmes.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 125 H.J.R. 172—Brindley, Jolly

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. RICE M. HOWARD, EDITOR AND PUBLISHER OF *THE SOUTHERN DEMOCRAT*

WHEREAS, the Alabama legislature has learned with deep regret of the most unfortunate death of Mary Lou Boazman Howard; and

WHEREAS, Mrs. Rice M. Howard had worked for *The Southern Democrat* since 1940, and assumed the posts of editor and publisher of *The Southern Democrat* when her husband died in 1964; and

WHEREAS, her dedication and hard work to the newspaper produced a reliable and informative service to the citizens of Blount County; and

WHEREAS, since she came to Oneonta in 1922, Mrs. Howard has actively participated in community affairs as a member of the First Baptist Church and its Fidelis Sunday School Class, a member of the Oneonta Business and Professional Women's Club, a member of the Alabama Press Association, and a member of the Blount County Historical Society; and

WHEREAS, her knowledge in international affairs was widely recognized, particularly her interest in the socio-economic history and the geography of areas in the news; and

WHEREAS, her concern for her family and her benevolence to unfortunates will be long remembered by her many friends and loved ones; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Rice Milford Howard and express our deepest sympathies to her daughter, Mrs. Calvin Ryan, and her granddaughter, Mrs. James Riddle, both of Oneonta; her sister, Mrs. J. C. Vaughan, and her brother, J. W. Boazman, both of Enterprise.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mrs. Calvin Ryan, Mrs. James Riddle, Mrs. J. C. Vaughan, J. W. Boazman, and to *The Southern Democrat.*

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 126 H.J.R. 175—McMillan, Kinsey

HOUSE JOINT RESOLUTION

COMMENDING KATHLEEN COWLING HUDSON UPON BEING NAMED WOMAN OF THE YEAR BY THE ALABAMA BUSINESS AND PROFESSIONAL WOMEN'S ASSOCIATION.

WHEREAS, Kathy Hudson of Robertsdale is the Director of College Relations at Faulkner State Junior College; and

WHEREAS, she was nominated last fall for the honor of Woman of the Year by the Central Baldwin B.P.W.A., and, in the State B.P.W.A. convention, she was judged on her civic contributions, her achievements since graduation, and her professional position to be the Woman of the Year; and

WHEREAS, Kathy Hudson also had to undergo a ten minute interview with a panel of judges as well as give a five minute impromptu speech which she delivered admirably before an assembled convention; and

WHEREAS, she is scheduled to go to Denver, Colorado on July 25-29 for the National B.P.W.A. convention where she will represent the Alabama B.P.W.A., now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Kathleen Cowling Hudson upon being named Woman of the Year and wishes her a successful career in her professional position.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mrs. Kathleen Hudson and to the Alabama Business and Professional Women's Association.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 127 H.J.R. 179—Robertson, Owens, Lee, Johnson

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. CHARLES SPRAYBERRY OF NORTHPORT.

WHEREAS, the Alabama legislature has learned with deep regret of the passing of Mrs. Charles Sprayberry who resided in Northport for the past twenty-six years; and

WHEREAS, Mrs. Sprayberry demonstrated her concern in community affairs as a member and past president of the Southern Culture Club, a member of the Vestavia Community Club, and a member of the Parents and Teachers Association for Riverside Junior High School and Tuscaloosa County High School; and

WHEREAS, she contributed to the religious life of Northport as a member of the Northport Baptist Church and the Fidelis Sunday School Class; and

WHEREAS, Mrs. Sprayberry devoted much of her time and energy to become involved in fulfilling the needs of her community; and

WHEREAS, she will be sorely missed and long remembered by her many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the most unfortunate death of Mrs. Charles Sprayberry and express our sincere sympathies to Dr. Charles Sprayberry, to her four sons, and to her two daughters.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Charles Sprayberry.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 128 H.J.R. 180—Crowe, Naramore

HOUSE JOINT RESOLUTION

COMMENDING JUDGE ALTON M. BLANTON UPON HIS RETIREMENT AS CIRCUIT JUDGE OF WALKER COUNTY.

WHEREAS, Judge Alton M. Blanton of Jasper, Alabama, has elected to retire from circuit judgeship after having served twenty years on the bench of Walker County; and

WHEREAS, Judge Blanton received his education at Birmingham Southern College and later graduated from the University of Alabama Law School; and

WHEREAS, he has served with the Federal Bureau of Investigation and since then has established an admirable public service record in Walker County; and

WHEREAS, Judge Blanton has demonstrated a prominent role in the civic, social, and religious life of Jasper; and

WHEREAS, as circuit judge in Walker County, Judge Blanton has shown himself to be a reliable judge with an enviable record; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Judge Alton M. Blanton on a praiseworthy career as circuit judge and wish him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Judge Alton M. Blanton.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 129 H.J.R. 181—Warren

HOUSE JOINT RESOLUTION

COMMENDING MISS PATSY LINN WATSON UPON

BEING SELECTED AS THE 1976 ALABAMA FORESTRY QUEEN

WHEREAS Patsy Watson of Bermuda, Alabama, graduated from Repton High School and attended Patrick Henry State Junior College of Monroeville this past year and will enroll at the University of Alabama this fall quarter; and

WHEREAS Patsy Watson's scholarly achievements include being named district winner for six years by the Alabama Music Teachers Association, being recognized by Who's Who Among High School Students, being awarded the Outstanding Student Award by the Southern Pine Electric Corporation, and being honored with a Conecuh County Alpha Delta Kappa Scholarship; and

WHEREAS she has also won recognition in other pursuits such as All State Cheerleader, Miss Football 1973-1974, and Runner-up in the Miss South Alabama Pageant; and

WHEREAS the lovely Patsy Watson will represent Conecuh County as Miss Bicentennial Belle in our country's two hundredth year; and

WHEREAS she was selected for the honor to reign for the coming year as the 1976 Forestry Queen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Patsy Linn Watson upon recently being named the 1976 Forestry Queen, and we wish her a happy and prosperous school year this fall.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Patsy Linn Watson and to her proud parents, Mr. and Mrs. Paul C. Watson.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 130 H.J.R. 187—Kennedy, Sonnier, McCulley, Malone, Glass, Johnstone, McMillan, Cooper

HOUSE JOINT RESOLUTION

CONGRATULATING ROBERT L. BRAZILE, JR. UPON RECEIVING THE NATIONAL FOOTBALL LEAGUE ROOKIE OF THE YEAR AWARD 1975.

WHEREAS, Robert L. Brazile was selected the National Football League Rookie of the Year after starting in all fourteen games with the Houston Oilers and being credited with seven quarterback sacks; and

WHEREAS, Robert Brazile of Whistler, Alabama, began his football playing at Blount High School and later at Vigor High School where he starred for three years at tight end and won the Lineman of the Year Award, the Buster Kilpatrick Award, and was elected co-captain of the team as well as vice president of the Football Club; and

WHEREAS, after numerous scholarship offers from across the country, he chose Jackson State University in Jackson, Mississippi, where he played linebacker for four years. He led his conference in interceptions with nine and made All-American First Team of Time Magazine and All-American First Team of All-American Black Colleges; and

WHEREAS, Robert Brazile is a member of the Outstanding Athletes of America and was chosen sixth in the first round of the 1974 National Football League draft; and

WHERE, his prominence in football is a result of hard training and determination; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Robert L. Brazile for being selected Rookie of the Year and we wish him another outstanding football season next year.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Robert Brazile, to his proud parents Mr. and Mrs. Robert L. Brazile, and to the Houston Oilers Football Team.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 131 H.J.R. 189—Teague

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. ANNIE LOUISE RYDER-BUSH FOR RECEIVING A 1976 AWARD OF MERIT FROM THE ALABAMA HISTORICAL COMMISSION

WHEREAS the Alabama legislature recognizes the great importance in perserving Alabama's heritage, and Mrs. Annie

Louise Ryder-Bush has lent considerable support in protecting the most prominent landmarks of this state; and

WHEREAS Mrs. Ryder-Bush has demonstrated her interest and concern to the preservation projects particularly in the Talladega County community; and

WHEREAS she devoted much of her time to compile important historical data relating to Talladega County which she entitled "Memories of Childersburg"; and

WHEREAS the Alabama Historical Commission has recognized and honored Mrs. Annie Louise Ryder-Bush with a 1976 Award of Merit for her admirable work in preserving the landmarks and heritage of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Annie Louise Ryder-Bush for her greatly appreciated work in maintaining the illustrious history of our state and upon receiving a 1976 Award of Merit from the Alabama Historical Commission.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mrs. Annie Louise Ryder-Bush and to the Alabama Historical Commission.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 132 H.J.R. 190—Teague

HOUSE JOINT RESOLUTION

CONGRATULATING LILLIE C. LACKEY UPON HER RETIREMENT FROM PALM BEACH COMPANY

WHEREAS Lillie C. Lackey elected to retire after twenty-nine years of faithful service with the Palm Beach Company in Talladega; and

WHEREAS in her twenty-nine years at Palm Beach Company, she proved to be very instrumental in unionizing the company in 1951 and in providing her fellow workers with paid vacations, insurance, maternity benefits, and a retirement plan; and

WHEREAS she frequently uses her determination to help others with problems and is always considerate of other people's needs; and

WHEREAS a luncheon was thrown for Mrs. Lackey by her many friends who honored her for her many years of service and devotion to them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Lillie C. Lackey for her tireless service to her fellow employees at Palm Beach Company and to her job, and we wish her a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lillie Lackey.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 133 H.J.R. 195—Sparks, Drake

HOUSE JOINT RESOLUTION

COMMENDING MISS CONNIE SUE NORTON UPON BEING SELECTED AS A DELEGATE TO GIRLS' NATION IN WASHINGTON, D. C.

WHEREAS, Miss Connie Sue Norton has been selected as one of three delegates from the State of Alabama to participate in Girls' Nation; and

WHEREAS, Girls' Nation, an inspirational and educational program provided by the American Legion for outstanding young women from all over the country, has drawn three delegates from every state, two of whom will be in the House of Representatives and one in the Senate; and

WHEREAS, Miss Norton will represent the State of Alabama in the House of Representatives when Girls' Nation will be held in Washington, D. C., and Philadelphia, Pennsylvania, from July 21 to August 7; and

WHEREAS, Miss Norton, an upcoming senior at Cullman High School, will gain a great deal of knowledge from this broadening experience; and

WHEREAS, this legislature is confident that she will ably represent the State of Alabama in the Girls' Nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Connie Sue Norton upon being chosen by

Girls' Nation to represent her state, and we wish her a happy and successful trip.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Connie Sue Norton of Cullman and to her proud parents, Mr. and Mrs. J. W. Norton.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 134 H.J.R. 223—Boles, Trammell, Armstrong, Hopping

HOUSE JOINT RESOLUTION

WHEREAS, the United States Steelworkers Union motion to intervene in the U.S. Steel pollution case has been denied by the Federal District Court in Birmingham; and

WHEREAS, the court outlined in its order that the Clean Air Act authorizes the Environmental Protection Agency to postpone compliance with environmental standards only when one specific procedure is followed; and

WHEREAS, this procedure requires, among other things, that the Governor must initiate the postponement proceeding and that the public welfare must necessitate the facilities operation;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request and urge that the Honorable George C. Wallace, Governor of the State of Alabama, immediately intervene in the U.S. Steel case by initiating proceedings to effect the postponement of compliance with Environmental Protection Agency orders requiring the closing of the open hearth furnaces at Ensley, Alabama.

Approved June 29, 1976.

Time: 4:30 P.M.

Act No. 135 H. 335—Smith (C), Plaster, Ford

AN ACT

To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recom-

piled 1958, Title 55, Section 531), entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers and to exclude junior college and technical institute presidents from the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 471, S. 189, 1969 Regular Session (Acts 1969, p. 914, as amended; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 531), is hereby further amended to read as follows:

"Section 1. After the effective date of this Act as amended. all passenger automobiles bought wholly or partially with state funds for use of state officers, officials or employees on official business including those bought by or for state colleges or universities shall be standard two-door or four-door sedans purchased from authorized General Motors, Ford, Chrysler or American Motors dealerships, the wheel base to be no longer than 118.0 inches and the engine to be no larger than the smallest eight cylinder engine available on the particular model sought to be purchased. Such automobiles shall otherwise be equipped as the finance director may direct. Such limitations shall not apply to the limousine bought for the use of the governor, any constitutional officer or members of the governor's cabinet, nor to automobiles purchased for the Department of Public Safety, the Alcoholic Beverage Control Board, the Department of Conservation, or the Department of Agriculture and Industries for use in high speed law enforcement work only by the patrolmen, policemen or investigators assigned to such departments. All such automobiles may be specifically equipped for the purposes for which they are to be used. Also excluded from the provisions of this act shall be vehicles used or operated by presidents of colleges, technical institutes, and universities, emergency vehicles, vehicles purchased for use in transporting drugs, plants, animals, or for hospital and health use, and vehicles deemed necessary by the Board of Trustees of the four-year colleges and universities to be incident to the operation of such college or university."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1976.

Time: 2:30 P.M.

Act No. 136 S. 441—McMillan, Pearson

AN ACT

To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections for the purpose of: (1) studying at an appropriate institution under proper supervision, either in vocational or educational curricula, and (2) seeking employment and a place of residence in the community where he will reside after release from his sentence.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this Act, certain terms shall have the following meaning:

(1) "Board" shall mean the Board of Corrections;

(2) "Commissioner" shall mean the Commissioner of the Board of Corrections;

(3) "State Correctional Institution" shall mean any correctional institution under the jurisdiction of the Board;

(4) "Inmate" shall mean a person either male or female, who has been convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board, and who is participating in the Alabama Board of Corrections Work Release or Pre-Release Programs.

Section 2. Extended Limits of Confinement. In order to provide for the individual supervision and placement of an inmate in the community where the inmate will reside after release from a state correctional institution, the Board is authorized to adopt rules, regulations, and policies permitting the Commissioner to extend the limits of confinement of an inmate, when there is reasonable cause to believe the inmate will honor the trust placed in such inmate, by authorizing such inmate under prescribed conditions, to leave the confines of that place unaccompanied by custodial agents for a prescribed period of time to seek and secure employment and a place of residence in the community where the inmate will reside after the release from a state correctional institution.

Section 3. Study Release. In order to insure that the inmate may be qualified to seek employment after release and thereby become an asset to society, as well as to such inmate, the Board is authorized to adopt rules, regulations, and policies permitting the Commissioner to extend the limits of confinement of an inmate where there is reasonable cause to believe the inmate will honor the trust placed in such inmate under prescribed conditions, to leave the confines of that place unaccompanied by custodial agents for a prescribed period of time to study in either a vocational or educational curriculum at an institution appropriate for the inmate's abilities.

Section 4. Eligibility: Housing. Study. The Board may adopt regulations as to the eligibility of those inmates who are classified as minimum security risks for the extension of confinement.

Section 5. Escape. The wilful failure of an inmate to remain within the extended limits of the inmate's confinement or to return within the time prescribed to the place of confinement designated by the Commissioner shall be deemed as an escape from the custody of the Board and shall be punishable as prescribed by law.

Section 6. Investigation and Recommendation. Employees of the Board are authorized to make investigations and recommendations pertaining to the validity of requests for visits, job opportunities for inmates, and otherwise to assist the Commissioner in the implementation of the program herein authorized.

Section 7. Inmate not an Agent of State. No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee, or involuntary servant of the Board while involved in the free community or while going to and from employment, or other specified areas.

Section 8. Reports, Public and State Agency Acceptance and Cooperation. The Commissioner shall prepare an annual report to be filed not later than 60 days following the close of each fiscal year with the Governor, the Lieutenant Governor, members of the Legislature, and the Legislative Budget Committee showing the operation and administrations and suggestions as deemed advisable. The Commissioner shall promote public understanding of the provisions of this Act as well as encourage the cooperation of all state agencies involved in implementing the provisions of this Act.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are repealed.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1976.

Time: 2:30 P.M.

Act. No. 137 S.J.R. 51—McDonald (A), King, Baker Adams, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Jones, Little, Littleton, McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson

SENATE JOINT RESOLUTION

REQUESTING THE LOCATION OF THE PLANNED SOLAR ENERGY RESEARCH INSTITUTE AT HUNTSVILLE, ALABAMA.

WHEREAS, the federal Energy Research and Development Administration (ERDA) plans to establish a Solar Energy Research Institute (SERI); and

WHEREAS, the area of Huntsville, Alabama, has been deemed to offer the ideal blend of technological expertise and environmental conditions; and

WHEREAS, Governor George C. Wallace on October 10, 1975, did by executive order establish a statewide committee known as "The Committee to Seek the Establishment of the Solar Energy Research Institute in the Huntsville Area"; and

WHEREAS, the governing body of the City of Huntsville is willing to provide 300 acres of an industrial tract at no cost, either on a long term (50 year) lease basis, or in fee simple subject to reverter, to the United States Government for said Solar Energy Research Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

recognition is made of the extreme importance of this project and that all reasonable effort be provided by agencies and departments of State government in support of the special SERI Committee.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President and Vice President of the United States of America, Alabama Congressional Representatives, and officials of the Energy Research and Development Administration with the request that their efforts be directed to the location of the Solar Energy Research Institute in the City of Huntsville, Alabama.

Approved July 19, 1976

Time: 2:30 P.M.

Act No. 138 S.J.R. 63—King and Roberts

SENATE JOINT RESOLUTION

DESIGNATING THE CHARIOTEERS DRUM AND BUGLE CORPS AS THE OFFICIAL REPRESENTATIVE OF THE STATE OF ALABAMA TO THE FIFTY STATES' NATIONAL PARADE — PHILADELPHIA BICENTENNIAL CELEBRATION ON JULY 4, 1976.

WHEREAS, the Charioteers Drum and Bugle Corps, an independent, non-profit organization based in Birmingham, is Alabama's only competitive drum and bugle corps; and

WHEREAS, the Charioteers is self-sponsored, funded solely through the combined efforts of its young members and its volunteer staff which together draws membership throughout the State of Alabama; and

WHEREAS, this marching musical organization must trave some twelve thousand man-miles every week and must devote countless hours of strenuous practice preparing for their performances; and

WHEREAS, under the able direction of Dick and Beverly Beasley of Birmingham, the Charioteers achieved a second place in the 1975 Class A Drum Corps International Championships in Philadelphia; and

WHEREAS, the Charioteers Drum and Bugle Corps participated in and received a citation from the Alabama Special Olympics Program in 1972, as well as citations from Governor George C. Wallace and Mayor David Vann of Birmingham in 1976; and

WHEREAS, the 1972 Legislature of Alabama declared the week of July 21-July 28, 1972, as Alabama Charioteers Drum and Bugle Corps Week and a resolution from the legislature was presented to them on September 2, 1971; and

WHEREAS, since their beginning in 1970, the Charioteers has continually maintained a high level of competition with other drum corps and has proven itself to be an outstanding representative of the State of Alabama and the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body designates and recognizes the Charioteers Drum and Bugle Corps as the official representative of the State of Alabama to the "Fifty States' National Parade of the Philadelphia Bicentennial Celebration" on July 4, 1976.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jack Wallace, Jr., of the Alabama Bicentennial Commission, to the Charioteers in care of Dick and Beverly Beasley, to the Birmingham Bicentennial Commission, and to the Philadelphia Bicentennial Commission.

Approved July 19, 1976

Time: 2:30 P.M.

Act No. 139 S.J.R. 66—Owen

SENATE JOINT RESOLUTION

URGING CONGRESSIONAL APPROVAL TO EXTEND G.I. BENEFITS

WHEREAS this country's servicemen have given themselves unselfishly to the United States in her battles overseas and in keeping worldwide peace; and

WHEREAS these servicemen are responsible for our country's strength and preeminent role in international affairs; and

WHEREAS this country should never forget the dedication and hard work our servicemen have demonstrated; and

WHEREAS G.I. educational benefits to veterans discharged from service after January 31, 1955, and on or before June 1, 1966 will be terminated on May 31, 1976, unless Congress acts favorably on H. R. 9576 which is presently in the House Veterans' Affairs Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urges favorable committee action by the House Veterans' Affairs Committee, immediate passage of said bill by Congress, and that the President, upon its passage, sign the bill into law.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to members of the Alabama delegation in the U.S. Congress—House and Senate—and to the chairman of the House Veterans' Affairs Committee and to the President.

Approved July 19, 1976

Time: 2:30 P.M.

Act No. 140 S.J.R. 82—Stewart

SENATE JOINT RESOLUTION

CONGRATULATING MISS JENNI CHANDLER OF LINCOLN FOR WINNING FIRST PLACE ON THE DIVING TEAM FOR THE SUMMER OLYMPICS

WHEREAS, Alabama will be brilliantly represented at the Summer Olympics in Montreal, Canada, next month by Miss Jenni Chandler, of Lincoln, Alabama; and

WHEREAS, Miss Chandler, who is only 17 years old, is a student at the Anniston Academy and is the daughter of Mr. and Mrs. Terry Chandler; and

WHEREAS, Miss Chandler has won a series of championships prior to this most recent honor, particularly as the three-meter champion of the Pan-American Games last fall; and

WHEREAS, She was slightly injured at the diving competition yesterday (June 23) at the University of Tennessee Olympic trials, and still emerged as high scorer with 441.75 points; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do heartily congratulate Miss Chandler on bringing glory to her community, her parents, and to the State of Alabama for her brilliant showing at the Olympic trials, and wish for her continued success in Montreal next month.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Terry Chandler, and to her coach, Mr. Ron O'Brien, of Ohio State University.

Approved July 19, 1976

Time: 2:30 P.M.

Act No. 141 S.J.R. 76—Gilmore, McMillan, Vacca, Pearson, Ellis, Littleton, Fine

SENATE JOINT RESOLUTION

COMMENDING S. VINCENT TOWNSEND, SR.

WHEREAS, energetic, imaginative, responsible leaders are needed to maintain an economically, viable and socially progressive community and state;

WHEREAS, it is necessary that the private sector provide such men if the community and the state is to be of significant service to its citizens, such men being so public spirited as to contribute time and energy, that could be for their own benefit, to the welfare of their fellow citizens;

WHEREAS, S. Vincent Townsend, Sr. is a man who has made a major contribution to the betterment of his community and his state in a signal way for the past half century;

WHEREAS, S. Vincent Townsend, Sr.'s involvement in progressive programs for his community and his state has spanned every facet of economic, social and cultural development for his fellow citizens;

WHEREAS, among his accomplishments in stimulating his fellow citizens to create a better life for themselves are the concept, organization and programs of the Birmingham Downtown Action Committee and Operation New Birmingham;

WHEREAS, his interest and efforts were most valuable in the establishment and development of the University of Alabama Medical College in Birmingham;

WHEREAS, his untiring efforts were a valuable contribution to bringing about effective economic, educational and cultural cooperation of Birmingham's racial and ethnic groups to the point where his community was recognized as an All American City;

WHEREAS, S. Vincent Townsend, Sr. has brought significant credit to himself; his long-time employer, The Birmingham News; and his community and state;

WHEREAS, S. Vincent Townsend, Sr. is the living embodiment of his favorite slogan: "Nothing will ever be accomplished if all possible objections must first be overcome."

WHEREAS, S. Vincent Townsend, Sr. in his lifetime of service to his fellowman has achieved the status of an honored citizen of Birmingham and Alabama;

WHEREAS, S. Vincent Townsend, Sr. has now retired as

Vice President and Assistant to the Publisher of The Birmingham News;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate S. Vincent Townsend, Sr. on the many outstanding accomplishments and contributions he has made during his tenure with The Birmingham News, not only to his community, but to the State of Alabama; and, further, that we extend to him our best wishes for continued health and happiness during his retirement.

Approved July 21, 1976

Time: 2:00 P.M.

Act No. 142 S.J.R. 77—Bank, McDonald (S), Stewart and Shelby

SENATE JOINT RESOLUTION

COMMENDING JERRY KENDRICK PATE UPON WINNING THE UNITED STATES OPEN CHAMPIONSHIP.

WHEREAS, Jerry Pate came back with a magnificent birdie on the final hole to become the youngest U.S. Open champion since Jack Nicklaus fourteen years ago; and

WHEREAS, Jerry Pate was raised in Anniston where he lived for eleven years and later attended the University of Alabama for four years; and

WHEREAS, as a junior at the University of Alabama, Jerry Pate first reached prominence in winning the U.S. Amateur title, which was the only time he entered; and

WHEREAS, Jerry Pate has now become a champion at age twenty-two of the most prestigious golf tournament in the world and receives forty-two thousand dollars for his championship victory in this, his first year as a pro; and

WHEREAS, much of Jerry Pate's success can be attributed to his golf coach at the University of Alabama, Conrad Rehling, who worked with Pate's golf game to near perfection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Jerry Pate upon his exceptional victory in the U.S. Open Championship, and we wish him additional success in future tournaments.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jerry Pate and to his fine coach, Conrad Rehling.

Approved July 21, 1976

Time: 2:00 P.M.

Act No. 143 S.J.R. 78—Bank, Shelby

SENATE JOINT RESOLUTION

COMMENDING DANIEL OTIS McCLUSKEY, JR., UPON RECEIVING THE AMERICAN HOSPITAL ASSOCIATION'S DISTINGUISHED SERVICE AWARD.

WHEREAS, Daniel Otis McCluskey of Birmingham achieved his B.S. Degree from Samford University in 1937 and became administrator of Druid City Hospital in Tuscaloosa in 1946, where he is still serving as administrator; and

WHEREAS, Daniel McCluskey's long service and devotion to the hospital field includes being a fellow of the American College of Hospital Administrators, a member of the Regional Advisory Board No. 4, a delegate and delegate-at-large to the American Hospital Association, Chairman of the Special Committee to Study Delivery of Health Services, President of the Alabama Hospital Association, President of the Southern Hospital Conference of 1954-55, a member and on the Board of Directors of Blue Cross-Blue Shield of Alabama, and a member of various other health councils and facilities in this state; and

WHEREAS, Daniel McCluskey's activity and interest in community affairs includes membership in the Member Exchange Club, the First United Methodist Church, Board of Directors of the United Fund of Tuscaloosa County, the Salvation Army Board, and presidency in 1969 and a present board member of the Greater Tuscaloosa Chamber of Commerce; and

WHEREAS, he has received through the years numerous awards and citations such as the "Gold Medal of Excellence" in 1971 from the Alabama Hospital Association, the "Distinguished Service Award" by the Greater Tuscaloosa Chamber of Commerce, and "Boss of the Year" by the American Business Womens' Club, local chapter; and

WHEREAS, on June 4, 1976, the American Hospital Association selected Daniel McCluskey, Jr., to be presented the Distinguished Service Award for his noteworthy service to hospitals; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Daniel Otis McCluskey, Jr., who has long been recognized as an outstanding hospital leader in the South; and this body wishes to thank Daniel McCluskey for his many contributions to the health and well-being of the people of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Daniel Otis McCluskey, Jr.

Approved July 21, 1976

Time: 2:00 P.M.

Act No. 144 S.J.R. 79—Waldrop

SENATE JOINT RESOLUTION

COMMENDING RALPH ROSSER UPON HIS RETIREMENT AS PRINCIPAL OF HOKES BLUFF ELEMENTARY SCHOOL

WHEREAS Ralph Rosser began his long, distinguished teaching career at Smith Institute after his graduation from Jacksonville State University in 1938; and

WHEREAS upon receiving his bachelor's degree in elementary education in 1948, Ralph Rosser headed the science department at Sardis High School for nine years and later became principal of Whitesboro School where he served for sixteen years; and

WHEREAS Ralph Rosser accepted the post of principal at Hokes Bluff Elementary School in 1967 and served admirably until his retirement this year; and

WHEREAS under his able direction, Hokes Bluff Elementary School has gained accreditation by the state and the Southern Association, has been chosen as the pilot school for the first Red Cross Health Aid Station in the country school system, and has improved its library to reach accreditation standards; and

WHEREAS Ralph Rosser has also added to the religious life of Hokes Bluff as pastor at the Concord Baptist Church; and

WHEREAS he was honored with a luncheon by his many friends and fellow teachers upon his retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we thank Ralph Rosser for his contributions to the educational and religious life of Hokes Bluff, and we wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ralph Rosser.

Approved July 21, 1976

Time: 3:50 P.M.

Act No. 145 S.J.R. 80—Waldrop

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. JAMES ORVILLE MORGAN, CHIEF OF SURGERY EMERITUS AT THE HOLY NAME OF JESUS HOSPITAL.

WHEREAS, the Alabama legislature has learned with deep regret of the passing of Dr. James Orville Morgan of Gadsden; and

WHEREAS, Dr. Morgan attended public school at Piedmont and later graduated from Emory Medical School in Atlanta; and

WHEREAS, Dr. Morgan's medical training continued as an intern at St. John's Hospital in Pittsburg and as a student of surgery at the University of Vienna in Austria; and

WHEREAS, after serving his country in World War I, he settled in Gadsden where he established the Walnut Street Infirmary and operated the hospital until the Catholic Hospital later opened; and

WHEREAS, Dr. Morgan served with distinction as Chief of Surgery at the Holy Name of Jesus Hospital from its inception until he became emeritus in 1971; and

WHEREAS, he has devoted much time and energy to health organizations such as the Etowah County Medical Society, State Medical Association, Southeastern Surgical Congress, Regent of American College of Surgeons, International College of Surgeons and International College of and Diplomate of the American Board of Surgery; and

WHEREAS, Dr. Morgan contributed substantially to the social, religious, and civic life of his community as a Mason

for many years, a member of the American Legion, a steward of the First Methodist Church, a member of the Men's Bible Class, a director of the American National Bank, a director of the American Cancer Society, and a director of Life of Alabama; and

WHEREAS, his innumerable contributions to his community and state will be long remembered, and he will be sorely missed by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. James Orville Morgan who gave so much to Gadsden and to the State of Alabama, and we wish to express our sincere sympathies to his wife, Mrs. James Orrville Morgan, his son, Orville Morgan, Jr., MD, his brother, William Edward Morgan, his five grandchildren and to his three great-grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. James Morgan, Dr. Orville Morgan, Jr., and to William Edward Morgan.

Approved July 21, 1976

Time: 2:00 P.M.

Act No. 146 S.J.R. 87—McMillan, Wilson, Pearson, Ellis, Clemon, Gilmore, Littleton, Vacca and Fine

SENATE JOINT RESOLUTION

CONGRATULATING DR. GEORGE CAMPBELL ON HIS APPOINTMENT AS ACTING PRESIDENT OF UNIVERSITY OF ALABAMA, BIRMINGHAM.

WHEREAS, The appointment of Dr. George Campbell as Acting President of U.A.B. was announced on Thursday, June 24; and

WHEREAS, Dr. Campbell has served the U. of Ala. System with distinction on various capacities for 35 years, and is the logical choice through experience and ability for his new responsibilities; and

WHEREAS, Dr. Campbell has served as director of the University's centers in Mobile, Huntsville, and Birmingham before the reorganization of the University system; and

WHEREAS, During his tenure as Vice-President of UAB,

it has experienced phenomenal growth and progress, to the benefit of metropolitan Birmingham and the entire State of Alabama; and

WHEREAS, The Legislature wishes to endorse and commend the appointment of this distinguished citizen to the top position in one of the top educational institutions in the country; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do commend and congratulate Dr. George Campbell on his appointment as Acting President of UAB, and do take pride in his distinguished career in education we wish for him continued success and progress in his endeavors.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Dr. Campbell, and to his daughter, Mrs. Rudy Davidson.

Approved July 21, 1976

Time: 2:00 P.M.

Act No. 147 S.J.R. 86—Little, Pearson, McMillan, Ellis and Noonan

SENATE JOINT RESOLUTION

COMMENDING HARVEY GLANCE UPON QUALIFYING FOR THE U.S. OLYMPIC TEAM

WHEREAS, Harvey Glance, a native of Phenix City, Alabama, enrolled in Auburn University in 1975-76 to advance his academic and athletic careers, and has worked diligently in the pursuit of both; and

WHEREAS, and in the process of making great effort toward this advancement, he has brought acclaim and honor to himself, wide recognition to the University and State and pride to his family and to all who know him; and

WHEREAS, by accomplishing outstanding feats in track and field, Harvey Glance broke records and set new ones, acquiting himself with distinction in the events he entered in the Southeostern Conference championships, the National Collegiate Athletic Association championships, and the Olympic trials, becoming a class sprinter; and

WHEREAS, Harvey Glance, a fine student and gentleman,

has qualified as a member of the United States Olympic Team in the 1976 games to be held in Montreal, Canada; now therefore

BE IT RESOLVED that the Legislature of Alabama both Houses concurring commend him and express its deep appreciation for his personal achievements which also reflected favorably the people of Alabama and wish him luck in the Olympic games.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Auburn University Department of Athletics and to the parents of Harvey Glance so that they may know of our regard for him.

Approved July 21, 1976

Time: 3:50 P.M.

Act No. 148 H.J.R. 53—Crowe, Callahan, McMillan, Johnstone, Cooper

HOUSE JOINT RESOLUTION

To urge Congress to adopt a National Uniform and Comprehensive Government Liability and Compensation Fund for damages and cleanup costs caused by oil pollution.

WHEREAS, the members of the Alabama Legislature are concerned about the potential economic and environmental consequences of oil spills on the ecology of this State; and

WHEREAS, the damages and cleanup costs resulting from such oil spills are matters of major state and national concern; and

WHEREAS, the transportation, production and handling of oil is not confined to state boundaries but is part of both national and international commerce; and

WHEREAS, the existing patchwork liability and compensation system is not satisfactory; and

WHEREAS, it is in the best interest of the State of Alabama and the United States to enact a federal law governing oil pollution liability and compensation, and to provide adequate funds and an expeditious procedure to compensate those injured by an oil discharge; and

WHEREAS, bills H. R. 9294 and S. 2162 currently pending before the United States Congress will accomplish these objectives. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the members of the Alabama Legislature hereby urge the United States Congress to enact, without delay, bills H.R. 9294 and S. 2162, so that a national uniform and comprehensive government liability and compensation fund for damages and cleanup costs caused by oil pollution may be established.

Be it further resolved that copies of this resolution be sent to the President of the United States, to each United States Senator from Alabama and to each member of the House of Representatives of Congress from Alabama.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 149 H.J.R. 57—Hall, Boles, Biddle

HOUSE JOINT RESOLUTION

COMMENDING THE PI PI CHAPTER OF JEFFERSON STATE JUNIOR COLLEGE UPON RECEIVING THE MOST DISTINGUISHED CHAPTER AWARD.

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has received the Most Distinguished Chapter Award from Phi Theta Kappa, the Junior College Scholarly Fraternity; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has achieved this honor through excellence in scholastic pursuits, local and national activities, and service to school and community; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College won this distinction in competition with five hundred chapters throughout the nation; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has received this coveted national award for the second consecutive year; and

WHEREAS, Pi Pi Chapter of Jefferson State Junior College has demonstrated such admirable characteristics befitting a fraternity chapter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Pi Pi Chapter for its achievement and the honor it has brought to Jefferson State Junior College, the Alabama Junior College System, and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pi Pi Chapter of Jefferson State Junior College.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 150 H.J.R. 198—Carter

HOUSE JOINT RESOLUTION

CONGRATULATING THE CLEMENTS HIGH SCHOOL COLTS UPON WINNING THE CLASS A-2A ALABAMA STATE HIGH SCHOOL TRACK MEET.

WHEREAS, the Clements Colts won the Class A-2A Alabama State High School Track Meet in Selma, Alabama, on May 7 and 8; and

WHEREAS, the Colts performed admirably throughout the season winning the Limestone County Championship, the Valley Athletic Conference Championship, and the Sectional track meet; and

WHEREAS, this exceptional track team won the State Championship where James Gill set a new record in the shot put event with a distance of fifty feet and three and one-half inches; and

WHEREAS, the Clements High School track team worked diligently through the season and brought honor to their school and community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Clements High School Colts for capturing the Class A-2A Alabama High School Track Meet title and wish them another successful season next year.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Robert A. Tinnon, Principal of Clements High School, and to James Gill.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 151 H.J.R. 199—Porter, Jackson (R), Howard, Hilliard

HOUSE JOINT RESOLUTION

COMMENDING DR. JOHN W. NIXON FOR HIS MANY

CONTRIBUTIONS TO THE CULTURAL LIFE OF THE BIRMINGHAM COMMUNITY.

WHEREAS, Dr. John Nixon has dedicated himself to foster and encourage the careers of talented young people in the Arts, and has provided numerous opportunities for young artists to present themselves before the public; and

WHEREAS, a special recognition should be accorded to Dr. Nixon for his participation with the Town and Gown Theatre and for the recent outstanding performance in a program of dramatic readings entitled, "Speak Of Me As I Am", at the Sixth Avenue Baptist Church on June 14; and

WHEREAS, this program was not only a great tribute to the bicentennial celebration of our country but also to the literary contributions of black writers such as Langston Hughes, Paul Dunbar, Le Roi Jones, Claude McKay, Gwendolyn Brooks, and Sterling Brown; and

WHEREAS, Dr. Nixon has played such an instrumental role in the cultural life of Birmingham, and culture is such a vital part of any community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to extend our sincere appreciation for the invaluable service Dr. John W. Nixon has lent the City of Birmingham, and we hope that Dr. Nixon's future cultural endeavors are successful.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. John W. Nixon.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 152 H.J.R. 200—Porter

HOUSE JOINT RESOLUTION

COMMENDING DR. JOSEPH F. VOLKER UPON BEING NAMED THE FIRST CHANCELLOR OF THE UNIVERSITY OF ALABAMA SYSTEM

WHEREAS Dr. Joseph Volker became chancellor of the University of Alabama system to oversee the three campuses in Birmingham, Tuscaloosa, and Huntsville; and

WHEREAS the Board of Trustees of the University of

Alabama feels that Dr. Volker, working as a single chief executive heading the entire system, will be able to effect greater coordination of academic programs and eliminate any costly duplication; and

WHEREAS Dr. Volker has been a member of the university faculty and administration for twenty-eight years, beginning in 1948 as the first dean of the newly established University of Alabama School of Dentistry and later serving as vice president for health affairs, vice president for Birmingham affairs, and executive vice president of the university units in Birmingham; and

WHEREAS in 1969 he was appointed the first president at the University of Alabama at Birmingham, and under his direction, the Birmingham campus has grown to be one of the world's outstanding health education, research, and treatment centers as well as one of the nation's leading urban universities; and

WHEREAS out of one hundred and twenty nominees for the chancellorship, Dr. Joseph Volker most exemplified the qualities of leadership that the Chancellor Search Committee was looking for; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Dr. Joseph Volker upon his nomination to the chancellorship and wishes him a successful tenure as chancellor.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Joseph F. Volker and to the Board of Trustees of the University of Alabama.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 153 H.J.R. 202—McMillan, Kinsey

HOUSE JOINT RESOLUTION

COMMENDING JOHN J. JURKIEWICZ UPON HIS RETIREMENT AS MAYOR OF SUMMERDALE.

WHEREAS, John J. Jurkiewicz has elected to retire from the office of mayor after serving since 1960; and

WHEREAS, Mayor Jurkiewicz has served Summerdale for the past forty-six years when he became town clerk in 1929 and has since served on the city council and as treasurer; and

WHEREAS, under Mayor Jurkiewicz's direction, Summerdale has undergone numerous improvements such as the pavement of miles of city streets with no assessment to any property owner, the installation of sixty-eight modern mercury vapor street lights, and a modern fire station and town office in a fireproof building with its own debt free water system; and

WHEREAS, Mayor Jurkiewicz has made sure that Summerdale is financially sound and effectively run; and

WHEREAS, the citizens of Summerdale are indeed indebted to the service and responsibility Mayor Jurkiewicz has shown them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mayor J. Jurkiewicz for his many years of dedicated service to Summerdale, and we wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mayor J. Jurkiewicz.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 154 H.J.R. 205—McNees

HOUSE JOINT RESOLUTION

COMMENDING THE FAYETTE COUNTY HIGH SCHOOL'S VOCATIONAL INDUSTRIAL CLUB UPON BEING SELECTED THE OUTSTANDING CLUB IN THE NATION.

WHEREAS, the Fayette County High School's Vocational Industrial Club was selected as the outstanding club in the nation after formerly being selected the outstanding club in the state; and

WHEREAS, the young members of this club have devoted much time and energy to achieve such great recognition; and

WHEREAS, Mr. Jerry Lindsey has ably directed this club and has instilled the attributes which will make these young men and women the outstanding citizens of tomorrow; and

WHEREAS, this productive club has represented admirably Fayette County High School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALA-

BAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Fayette County High School's Vocational Industrial Club upon being selected the outstanding club in the nation.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Jerry Lindsey, and to each club member.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 155 H.J.R. 207—Biddle, Waggoner

HOUSE JOINT RESOLUTION

COMMENDING JOHN MURDOCH HARBERT, III, PRESIDENT AND FOUNDER OF THE HARBERT CORPORATION.

WHEREAS, John Harbert was born in Greenville, Mississippi, and attended Auburn University where he received a B.S. degree in engineering; and

WHEREAS, since coming to Birmingham, John Harbert has demonstrated a religious and social interest in his community as a member of the vestry at the St. Mary's on-the-Highlands Episcopal Church and as a member of the Rotary Club of Birmingham, the Board of Governors of The Club, Incorporated, and the Riverchase Country Club; and

WHEREAS, John Harbert has served Birmingham in civic affairs where he is a member of the Board of Directors of the American Cast Iron Pipe Company, the First National Bank of Birmingham, the Alabama By-Products Corporation, the Harcon Barge Corporation, the Mill Ridge Corporation, the Young Women's Christian Association, the Birmingham Arts Association, the Birmingham Museum of Arts, the Metropolitan Development Board, and the Operation New Birmingham; and

WHEREAS, John Harbert has also become involved in such positions as founder and on the Board of Directors of the Florida Gas Company, as director of the Houston Natural Gas Corporation, the St. Joe Natural Gas Corporation, the Three Rivers Rock Corporation, the Engert Corporation, and as chairman of the Energy Advisory Council of Alabama; and

WHEREAS, John Harbert has devoted a great deal of time and energy to the betterment of Birmingham and the State of Alabama as a member of the Alabama Alcoholic Beverage Control Board, a member of the executive committee of the

Birmingham Area Council of the Boy Scouts of America, and as trustee for the Eye Foundation, Incorporated; and

WHEREAS, he has received several awards and citations in recognition of his services to Birmingham such as "Marketing Man of the Year" in Alabama for 1967, cited as one of the ten outstanding construction men of the year by "Engineering New-Record," the first "Silver Hard Hat Award" in 1969, the Distinguished Eagle Scout Award, the Auburn University "Outstanding Engineering Alumni Award", and the "Citizen of the Year" award; and

WHEREAS, his many activities, including his leadership in cleaning up Birmingham and Jefferson County, should be an example for all of us to participate more in community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we applaud the great interest and concern John Harbert has shown the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to John Harbert.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 156 H.J.R. 209—Cates

HOUSE JOINT RESOLUTION

NAMING THE NEW FOUR LANE HIGHWAY IN GEORGIANA THE "ROGER AND HERMAN PRIDE BOULEVARD."

WHEREAS, Mr. Roger William Pride, Sr., was a resident of Georgiana from 1911 until his death in 1957; and

WHEREAS, Roger Pride, as editor of The Butler County News, crusaded and editorialized for good roads and for progressive leadership in the community; and

WHEREAS, Roger Pride also proved to be a valuable member of the Chamber of Commerce and other organizations formed to promote industry in the area; and

WHEREAS, much of the growth and progress of Georgiana was brought about by the interest that Mr. Pride generated through The Butler County News; and

WHEREAS, Mr. James Herman Pride was a resident of Georgiana from 1911 until his death in 1974; and

WHEREAS, Herman Pride faithfully served his community as co-editor of The Butler County News, Mayor of Georgiana for three consecutive four-year terms, as commander of the American Legion in Georgiana, and as postmaster for Georgiana from 1933 until his retirement in 1966; and

WHEREAS, Herman Pride was recognized throughout the State of Alabama as Georgiana's Goodwill Ambassador; and

WHEREAS, the State Highway Department is in the process of widening Alabama Highway 106 from Interstate Highway 65 to Miranda Street in Georgiana; and

WHEREAS, the Georgiana Chapter of the American Association of Retired Persons decided by a unanimous vote to recommend to the State Highway Department that the new four lane highway be named the "Roger and Herman Pride Boulevard" in honor of the now deceased Mr. Roger William Pride, Sr., and Mr. James Herman Pride; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new four lane highway on Alabama Highway 106 being built from Interstate Highway 65 to Miranda Street in Georgiana is hereby named the "Roger and Herman Pride Boulevard."

BE IT FURTHER RESOLVED, That State Highway Department officials shall cause appropriate signs or markings to be erected and maintained in designating said highway the "Roger and Herman Pride Boulevard."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Grady Mixon of Georgiana, and the Mayor of Georgiana.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 157 H.J.R. 213—Robertson, Johnson, Lee, Clark, Owens

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REVEREND BENJAMIN F. ATKINS.

WHEREAS, this legislature has learned of the death of Reverend B. F. Atkins of Northport; and

WHEREAS, Reverend B. F. Atkins was a Baptist minister

for fifty years and pastor emeritus at the Northport Baptist Church where he served as minister for thirty years; and

WHEREAS, Reverend B. F. Atkins was a chaplain of the Armed Forces in World War II, and later wrote a book entitled, "Today Ain't Yesterday"; and

WHEREAS, Reverend Atkins taught bible class in many churches in Northport for all races and was a member of the Masonic Order for more than fifty years; and

WHEREAS, Reverend Atkins' many contributions to his community and the interest he showed won him recognition as the first "Citizen of the Year" in Northport in 1973; and

WHEREAS, his kindness and unselfishness to others will be long remembered, and he will be sorely missed by his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Reverend B. F. Atkins who gave so much of himself to his community and friends, and we wish to send our deepest sympathies to his wife, Mrs. B. F. Atkins, to his two daughters, his two sons, his sister, and his twelve grandchildren and ten great-grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. B. F. Atkins.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 158 H.J.R. 216—Dial

HOUSE JOINT RESOLUTION

COMMENDING MISS JULIE HOUSTON UPON BEING CHOSEN MISS ALABAMA BICENTENNIAL BELLE

WHEREAS Miss Julie Houston, a resident of Cleburne County, was named Miss Alabama Bicentennial Belle on June 18; and

WHEREAS Miss Houston, an upcoming senior at Jacksonville State University, has also won beauty contests as Alabama Farm Bureau Queen and Miss East Alabama as well as first runner-up in the Miss Alabama pageant; and

WHEREAS Miss Houston is not only graced with beautiful features but also with a wonderful voice; and

WHEREAS she has ably represented her school, community, and state in numerous contests; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Julie Houston upon her recent winning of the Miss Alabama Bicentennial Belle and wish her a happy and successful school year this semester.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Julie Houston and to her proud parents, Mr. and Mrs. Charles Houston.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 159 H.J.R. 218—Smith (C)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF REGINALD WILTON LAWLEY, JR.

WHEREAS, on June 18, 1976, R. W. (Dub) Lawley, Jr., a native and resident of Shelby County, died after a life of service to his county and state; and

WHEREAS, "Dub" Lawley was a graduate of Montevallo High School and the University of Alabama; and

WHEREAS, "Dub" Lawley served as Editor of the Western Sun Newspaper in Jefferson County; and

WHEREAS, "Dub" Lawley served as Assistant Press Secretary for Governor George C. Wallace in 1963 and 1964; and

WHEREAS, "Dub" Lawley served as Assistant Administrator of the Tennessee-Tombigbee Waterway Development Authority in Columbus, Mississippi; and

WHEREAS, "Dub" Lawley for the past three years served as Director of Development for the University of Montevallo and spent many hours working with the members of this Legislative body;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses concurring, that this body does mourn the passing of Reginald Wilton Lawley, Jr., and does send sincere condolences to the surviving members of his family.

BE IT FURTHER RESOLVED, that a copy of this Reso-

lution be sent to his widow, Mrs. Virginia H. Lawley, Route 3, Montevallo; to his mother, Mrs. Hester J. Lawley, Route 3, Montevallo; and to his brother, Mr. Don E. Lawley, Legal Counsel, Department of Examiners of Public Accounts.

Approved July 26, 1976.

Time: 5:55 P.M.

Act No. 160 H.J.R. 219—Smith, (C)

HOUSE JOINT RESOLUTION

COMMENDING WALTER WAYNE CULP FOR HIS HEROIC ACTION

WHEREAS, Walter Wayne Culp, a resident of Chilton County, Alabama, was present when Chuck Bulger fell into Mitchell Lake and soon disappeared beneath the water; and

WHEREAS, Walter Wayne Culp dove into the water without hesitation in a desperate attempt to save the drowning boy; and

WHEREAS, Walter Wayne Culp rescued and successfully revived Chuck Bulger from a near fatal accident; and

WHEREAS, Walter Wayne Culp's courageous action should set a standard that all Alabama citizens should follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the admirable action of Walter Wayne Culp in saving the life of another.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Walter Wayne Culp.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 161 H.J.R. 220—Smith (C.)

HOUSE JOINT RESOLUTION

COMMENDING ETHEL BOSWELL UPON HER HEROIC ACTION

WHEREAS, Ethel Boswell, a resident of Route 4, Clanton, Alabama, was present when Diantha Faulkner suffered a serious heart attack; and

WHEREAS, Ethel Boswell reacted promptly to administer first aid to the heart attack victim and tended to her all the way to the hospital; and

WHEREAS, by her timely assistance Ethel Boswell enabled the victim to arrive at Shelby Memorial Hospital alive; and

WHEREAS, Ethel Boswell's responsible action not only deserves recognition but should stand as an example for all concerned citizens of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Ethel Boswell for her noble action to save the life of another.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Ethel Boswell.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 162 H.J.R. 221—Quarles

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA STATE BOARD OF EDUCATION UPON ADOPTING A HEALTH EDUCATION PROGRAM.

WHEREAS, the Alabama State Board of Education has agreed to urge that comprehensive Health Education be taught sequentially by qualified teachers in every school under the authority of the State Department of Education; and

WHEREAS, health knowledge can prevent many of the illnesses and diseases common among the general population; and

WHEREAS, the Alabama State Board of Education correctly recognized the growing need for comprehensive Health Education in our schools; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Alabama State Board of Education for their approval in initiating Health Education in our schools.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Alabama State Board of Education.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 163 H.J.R. 222—Baker, Higginbotham, Whatley, Turnham, Smith (M), Carothers

HOUSE JOINT RESOLUTION

WHEREAS, Harvey Glance, a native of Phenix City, Alabama, enrolled in Auburn University in 1975-76 to advance his academic and athletic careers, and has worked diligently in the pursuit of both; and

WHEREAS, and in the process of making great effort toward this advancement, he has brought acclaim and honor to himself, wide recognition to the University and State and pride to his family and to all who know him; and

WHEREAS, by accomplishing outstanding feats in track and field, Harvey Glance broke records and set new ones, acquitting himself with distinction in the events he entered in the Southeastern Conference championships, the National Collegiate Athletic Association championships, and the Olympic trials, becoming a class sprinter; and

WHEREAS, Harvey Glance, a fine student and gentleman, has qualified as a member of the United States Olympic Team in the 1976 games to be held in Montreal, Canada; now therefore

BE IT RESOLVED that the Legislature of Alabama both Houses concurring commend him and express its deep appreciation for his personal achievements which also reflected favorably the people of Alabama and wish him luck in the Olympic games.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Auburn University Department of Athletics and to the parents of Harvey Glance so that they may know of our regard for him.

Approved July 26, 1976.

Time: 5:55 P.M.

Act No. 164 H.J.R. 226—McCluskey

HOUSE JOINT RESOLUTION

COMMENDING JUDGE MAC THOMAS UPON HIS RETIREMENT AS COOSA COUNTY PROBATE JUDGE.

WHEREAS, The Alabama legislature has learned that Coosa County Probate Judge Mac Thomas has elected to retire after thirty-four years as an elected official; and

WHEREAS, in these thirty-four years, Judge Thomas served as county commissioner of Coosa County for twelve years and as probate judge for the remaining years; and

WHEREAS, Judge Thomas has met other responsibilities as president of the Alabama Probate Judges Association and as president of the Association of County Commissioners of Alabama, which he is still serving as president; and

WHEREAS, Judge Thomas of Nixburg has worked diligently to secure industry in Coosa County with great success; and

WHEREAS, he has won many friends through his willingness to help others with their problems and his generosity to those in need; and

WHEREAS, his many friends, close associates, and a host of dignitaries will all assemble at the Coosa County Courthouse on July 10 for a special program honoring Judge Thomas upon his retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Judge Thomas for his distinguished work for Coosa County and the State of Alabama and wishes him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Judge Mac Thomas.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 165 H.J.R. 235—Martin, Roberts, Drake, Cross, Albright

HOUSE JOINT RESOLUTION

COMMENDING MISS LISA J. BURKS UPON BEING THE

FIRST WOMAN FROM ALABAMA SELECTED TO BECOME A CADET AT WEST POINT MILITARY ACADEMY.

WHEREAS, Miss Lisa Burks will receive a full four year scholarship in addition to an annual salary as a cadet at West Point Military Academy; and

WHEREAS, to become one of only eighty-five women admitted at West Point, Miss Burks compiled an exceptional athletic, academic, and extracurricular record at Austin High School in Decatur, Alabama; and

WHEREAS, her many achievements and accomplishments in high school would point to successful completion of the challenging curriculum at West Point; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Miss Lisa Burks as the first female Alabamian to be admitted to West Point, and we wish her a happy and fulfilling school year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Lisa Burks and to her proud parents, Mr. and Mrs. Larry Burks.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 166 H.J.R. 236—Barron

HOUSE JOINT RESOLUTION

COMMENDING JIM SCOTT UPON HIS RECENT ELECTION TO VICE-PRESIDENT OF THE UNITED STATES JAYCEES.

WHEREAS, Jim Scott has served Montgomery as past president of the Montgomery Jaycees; and

WHEREAS, Jim Scott has also devoted much time and energy to the Jaycees as president of the Alabama Jaycees; and

WHEREAS, at the national convention held in Indianapolis, Indiana on June 23, 1976, Jim Scott was elected vice-president of the United States Jaycees for the year 1976-1977; and

WHEREAS, Jim Scott has provided needed leadership and guidance to such a beneficial organization as the Jaycees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Jim Scott for his many contributions to such a worthwhile cause and wishes him a successful tenure as vice-president of the United States Jaycees.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jim Scott of Montgomery.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 167 H.J.R. 239—Reed

HOUSE JOINT RESOLUTION

COMMENDING FORMER GOVERNOR JIMMY CARTER UPON RECEIVING THE NEEDED DELEGATES TO INSURE HIS NOMINATION AS THE DEMOCRATIC CANDIDATE FOR PRESIDENT OF THE UNITED STATES

WHEREAS former Governor Jimmy Carter of our sister State of Georgia has won nationwide support in primaries all over the country to gain the Democratic nomination; and

WHEREAS the State of Alabama is proud of the success and popularity our fellow Southerner has enjoyed; and

WHEREAS our Governor has thrown his delegate strength to Governor Carter; and

WHEREAS the State of Alabama appreciates the visit Jimmy Carter made to our state and to our Governor, and respects his fairness to the issues and to the minority races; and

WHEREAS Jimmy Carter is an able representative of the New South which is continually growing both economically and politically and which is leading the nation in achieving widespread and peaceful integration of the races; and

WHEREAS the State of Alabama and all of the South is confident Jimmy Carter will admirably represent the South and all of the nation in the office of president; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates former Governor Jimmy Carter upon clinching the national Democratic Party nomination and expresses its confidence in Jimmy Carter as our next President.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 168 H.J.R. 241—Dial

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF GILBERT LANDERS, SR. OF DELTA

WHEREAS, this legislature has been informed of the death of Gilbert Landers on June 4; and

WHEREAS, Gilbert Landers was a native of Randolph County and had lived in Delta for most of his life; and

WHEREAS, Gilbert Landers had taught school for forty-six years, had served his country in World War I, and was a member of the Delta Baptist Church; and

WHEREAS, Gilbert Landers was very much interested in the religious life of his community serving as a deacon for some fifty-five years and as a Sunday School teacher of the adult class for twenty-five years; and

WHEREAS, his kindness and sincerity won him many friends, and he will be sorely missed by these friends and his loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the unfortunate death of Gilbert Landers, Sr., and expresses its deepest sympathies to his wife, Mrs. Gilbert Landers; his daughter, Mrs. Frank Payne, East Point, Georgia; his son, Mr. Gilbert Landers, Jr., of Montgomery; his brother, Mr. Idus Landers of Wedowee; seven grandchildren and six great grandchildren.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Gilbert Landers, his daughter and his son.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 169 H.J.R. 242—McCorquodale, Hines, Sonnier

HOUSE JOINT RESOLUTION

CONGRATULATING ARTHUR TONSMEIRE FOR SERV-

ING AS THE CURRENT PRESIDENT OF THE NATIONAL SAVINGS AND LOAN LEAGUE.

WHEREAS, Mr. Arthur Tonsmeire has helped make major contributions to improvement in housing and environment in South and Central America through his activities with international organizations, including assisting in the development of new home construction financing for Guatemalan earthquake victims; and

WHEREAS, Arthur Tonsmeire's international activities include: board membership in the Inter-American Savings and Loan Union; board chairmanship of the Alabama-Guatemala Partners of the Alliance; delegate to the United Nations meeting on housing and environment; membership in "Habitat," the United States State Department's International Housing Advisory Committee; and

WHEREAS, Arthur Tonsmeire's numerous civic and business activities have led to his selection as the current president of the National Savings and Loan League; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our heartiest congratulations to Mr. Arthur Tonsmeire for being selected and serving as the current president of the National Savings and Loan League.

BE IT FURTHER RESOLVED, That Arthur Tonsmeire receive a copy of this resolution.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 170 H.J.R. 246—McNees

HOUSE JOINT RESOLUTION

COMMENDING SAM F. RICKMAN UPON HIS RETIREMENT AS LAMAR COUNTY SANITATION OFFICER.

WHEREAS, Sam F. Rickman has elected to retire after thirty-four years of dedicated service to the Lamar County Sanitation Department; and

WHEREAS, Sam Rickman's many years of hard work for his county should stand as an example for all county employees; and

WHEREAS, he has also devoted some of his time and

energy for young boys in his community through his activity with the boy scouts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body acknowledges and appreciates Sam F. Rickman's long dedication and involvement with the Lamar County Sanitation Department and his community.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Sam F. Rickman.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 171 H.J.R. 247—Gafford

HOUSE JOINT RESOLUTION

PRAISING DOCTOR J. G. DAVIS, HOUSE "DOCTOR OF THE DAY".

WHEREAS, Doctor J. G. Davis, renowned surgeon from Birmingham, Alabama, was appointed "Doctor of the Day" for the House of Representatives on July 7, 1976; and

WHEREAS, Doctor Davis has demonstrated professionalism of the highest degree; and

WHEREAS, Doctor Davis exhibited his great surgical skill when he came to the aid of our own distinguished Representative from Jefferson County, Representative James T. (Jabo) Waggoner, by restoring his severed Achilles' tendon with such perfection that Representative Waggoner once again has the gazellean speed of Achilles whether running for political office or otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize Doctor Davis for his great surgical skill and express our profound appreciation and esteem for his dedication and for serving the House of Representatives as "Doctor of the Day".

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Doctor J. G. Davis and Representative James T. (Jabo) Waggoner.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 172 H.J.R. 255—Harris, McCorquodale, Manley, Albright

HOUSE JOINT RESOLUTION

COMMENDING WALTER C. HEAD, JR., UPON HIS RETIREMENT AS DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATE OF ALABAMA.

WHEREAS, Walter Head, Jr., a native of Jefferson County, attended both the University of Alabama and Auburn University; and

WHEREAS, Walter Head saw combat service in the Army throughout World War II, rising to the rank of captain and commanding the engineering detachment which built the first combat bridge across the Rhine; and

WHEREAS, he joined the Alabama Department of veterans Affairs, opening the Bessemer office and later being promoted to Supervisor for North Alabama; and

WHEREAS, Walter Head rose quickly to become deputy director and later was appointed Director of Veterans Affairs on January 8, 1962; and

WHEREAS, his long activity in veterans organizations include past president of the National Association of State Directors of Veterans Affairs and a past member of the National Foreign Relations Commission of the American Legion; and

WHEREAS, he has also become involved in several civil duties including a member on the Governor's Commission on Employment of the Handicapped, a member of that committee's advisory board, and a member of the Board of Governors of the American Educators Company, Inc.; and

WHEREAS, Walter Head has been long active in the Episcopalian Church, having served in almost every office open to a layman including that of senior warden; and

WHEREAS, his many contributions and long activity in veterans affairs is greatly appreciated by those in veterans organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Walter C. Head, Jr., for his distinguished service as Director of the Alabama Department of Veterans Affairs and wish him a happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Walter C. Head, Jr.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 173 H.J.R. 256—Harrison, Tucker, Porter, Andrews, Trammell, Moore (O), Falkenburg, White, Waggoner, Armstrong, Jolly, Leonard, Hopping, Biddle, McNair, Howard, Jackson (R), Gafford, Boles

HOUSE JOINT RESOLUTION

COMMENDING REVEREND C. E. THOMAS.

WHEREAS, the Alabama Legislature has noted the important contributions Reverend C. E. Thomas has made to his community, state and nation; and

WHEREAS, Reverend Thomas has contributed throughout his ministerial career the admirable attributes of friendliness, devotion to duty and concern for his fellowman. He has gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, Reverend Thomas was elected a delegate to the 40th Session of the General Conference of the African Methodist Episcopal Church; and

WHEREAS, Reverend Thomas is the first minister of the A. M. E. Church to be elected and consecrated Bishop in twenty-eight years from the State of Alabama; and

WHEREAS, Reverend Thomas received the honor of being elected the 99th Bishop during the 40th session of the General Conference of the African Methodist Episcopal Church; and

WHEREAS, Reverend Thomas is a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to his church and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Reverend C. E. Thomas for his positive contribution to the state and nation.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Reverend Thomas.

Approved July 26, 1976.

Time: 5:55

Act No. 174 H.J.R. 257—Reed

HOUSE JOINT RESOLUTION

COMMENDING REPRESENTATIVE PETE B. TURNHAM UPON HIS RENOMINATION TO CHAIRMAN OF THE SOUTHERN INTERSTATE NUCLEAR BOARD

WHEREAS, the Alabama legislature has learned that its friend and colleague, Representative Pete Turnham, has been renominated as chairman of the Southern Interstate Nuclear Board; and

WHEREAS, Representative Pete Turnham has led this regional agency in evaluating new energy technologies and recommending their implementation in southern states; and

WHEREAS, Representative Turnham has long been concerned with the dire need of relating our technical problems to the public; and

WHEREAS, he has worked hard so that our state government and educational facilities will be well-informed in science and advanced technology; and

WHEREAS, Representative Turnham has shown the same hard work and determination for the SINB that he has demonstrated in the Alabama legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend our personal friend and colleague, Representative Pete Turnham, upon his renomination as chairman of the SINB and wish him success in this capacity.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Representative Pete Turnham.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 175 H.J.R. 259—Waggoner, Armstrong, Biddle

HOUSE JOINT RESOLUTION

URGING THAT THE NATIONAL FOOTBALL LEAGUE GRANT A FRANCHISE TO THE CITY OF BIRMINGHAM, ALABAMA

WHEREAS, Alabamians are known throughout the nation as great football fans and supporters; and

WHEREAS, the Birmingham Professional Football Organization completed an outstanding win-loss record for two consecutive seasons; and

WHEREAS, the Birmingham Professional Football Organization won the title of World Bowl Champions for 1974 and was the leading team in the W.F.L. for 1975; and

WHEREAS, the Birmingham Professional Football Organization held the 1975 record for best attendance in the W.F.L.; and

WHEREAS, the talented Birmingham Professional Football Organization attracted football greats from all over the nation; and

WHEREAS, the people of Birmingham and all citizens throughout the State of Alabama have shown by their enthusiastic attendance at W.F.L. football games that they stand ready, willing and able to support a football franchise; and

WHEREAS, people throughout the nation have long recognized that in the State of Alabama winning football is a way of life; and

WHEREAS, the people of Alabama proved to the world that the City of Birmingham indeed is the football capital of the South; and

WHEREAS, the people throughout this area are united and dedicated in their efforts to perform all things necessary to demonstrate their loyalties to assure success to a team of their own; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body is representative of all the great peoples of this State and in their capacity therefor pledges and reaffirms its full support to the National Football League in its endeavors do acquire a franchise for the football city of the South, Birmingham, Alabama.

BE IT FURTHER RESOLVED, That by this resolution the Legislature of Alabama does strongly urge that a N. F. L. franchise be granted to the City of Birmingham.

RESOLVED FURTHER, That a copy of this resolution be sent to Commissioner Pete Rozelle.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 176 H.J.R. 260—Mitchem

HOUSE JOINT RESOLUTION

CONGRATULATING FORMER GOVERNOR JIMMY CAR-

TER UPON HIS RECENT NOMINATION AS THE DEMOCRATIC NOMINEE FOR PRESIDENT OF THE UNITED STATES

WHEREAS, in an overwhelming display of approval, a vast majority of delegates to the Democratic Convention voted on the first ballot for Jimmy Carter to be their Democratic nominee for president; and

WHEREAS, the State of Alabama has long felt a close and friendly tie with her sister and neighboring State of Georgia; and

WHEREAS, this Alabama legislature is one hundred percent Democratic and, as a body, supports Jimmy Carter in his campaign for the presidency; and

WHEREAS the Democratic nomination of Jimmy Carter projects the emergence of the New South and will help the South and the rest of the nation to work together in solving tomorrow's problems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Jimmy Carter for his impressive victory as the Democratic nominee and wishes him success in November in the presidential election.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 177 H.J.R. 262—Andrews

HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF RICHARD "Low-Man" Watkins

WHEREAS the Alabama Legislature has learned regrettably of the unfortunate illness of Mr. Richard Watkins; and

WHEREAS Mr. Richard Watkins has to be hospitalized and separated from his home and loved ones; and

WHEREAS He is undergoing an intense battle against the detrimental effects of brain tumors, and

WHEREAS He is sorely missed and prayed for by his many friends, loved ones and business associates; and

WHEREAS Mr. Richard "Low-Man" Watkins has spent a

lifetime in public service with the Birmingham Police Department; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to express our deep concern for Mr. Watkins' health and our hope for his speedy recovery so that he might return to his normal place amongst his friends and loved ones.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mr. Richard Watkins and to his family.

Approved July 26, 1976.

Time: 3:30 P.M.

Act No. 178 H. 926—Merrill

AN ACT

To make an additional appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to all other appropriations heretofore made, the amount of seven hundred and fifty thousand dollars ($750,000) for salaries and expenses of the Legislature for the fiscal year ending September 30, 1976.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1976.

Time: 4:00 P.M.

Act No. 179 H. 731—Venable, Plaster

AN ACT

Proposing an amendment to the Constitution of Alabama relating to the consolidation of county offices in Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the

Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Elmore County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Elmore County who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which consolidates county offices in Elmore County may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the court house and in three other places in the county.

Constitutional Amendment

Passed the House June 17, 1976

Passed the Senate July 27, 1976

Act No. 180 H. 494—Smith (J)

AN ACT

Proposing an amendment to the Constitution of Alabama 1901 relative to the fees and compensation of the judge of probate of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate of Geneva County, and may put such officer on a salary basis and provide for operation of his office on such basis.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House May 27, 1976

Passed the Senate July 27, 1976

Act No. 181 H. 113—Owens

AN ACT

Amending Act Number 17 adopted at the 1957 Regular Session of the Legislature of Alabama, as heretofore amended (which act, as amended, levies in Bibb County a special county privilege and license

tax paralleling the state sales tax, and special excise tax paralleling the state use tax) so as to increase the rate of said special taxes and to provide further for the manner of collection of and reporting proceeds derived from said taxes by the State Department of Revenue and for the allocation of the proceeds of said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 2. Levy of License Tax Measured by Gross Sales or Gross Receipts. There is hereby levied in Bibb County, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

"(a) Upon every person, firm or corporation (including the Board of Trustees of the University of Alabama, the Alabama Polytechnic Institute, and all other institutions of higher learning in the State, whether such institutions be denominational, state, county or municipal institutions, and any association or other agency or instrumentality of any such institution) engaged or continuing within Bibb County, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stocks), an amount equal to two percent (2 percent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in the business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business;

"(b) Upon every person, firm or corporation engaged or continuing, within Bibb County, in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a

state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places where an admission fee is charged, public dance halls of every kind and description within Bibb County, an amount equal to two percent (2 percent) of the gross receipt of any such business;

"(c) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling at retail machines used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, and which are necessary to the operation of such machines and are customarily used in the operation thereof, an amount equal to one percent (1 percent) of the gross proceeds of the sale of such machines, parts, attachments and replacements; and

"(d) Upon every person, firm, or corporation engaged or continuing, within Bibb County, in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, or house trailer an amount equal to one percent (1 percent) of the gross proceeds of the sale of said automotive vehicle, or truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle, used truck trailer, used semi-trailer, or used house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax herein levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; provided, that there are exempted from the provisions of this section and from the computation of the amount of the tax imposed in this section the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax statutes from computation of the amount of the State Sales Tax.

"(e) Upon every person, firm, or corporation engaged or continuing within Bibb County in the business of selling at retail any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation

of such machine, machinery, or equipment, an amount equal to one percent (1 percent) of the gross proceeds of the sale thereof. Provided, however, the one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

"Where any used machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

"(f) Upon every person, firm or corporation engaged or continuing within Bibb County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes thereof, there is hereby levied a tax equal to one percent (1 percent) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business."

Section 2. Section 3 of Act No. 17, H. 21, Regular Session 1957 (Acts of 1957, p. 43) is hereby amended to read as follows:

"Section 3. Levy of Excise Tax on Use, Storage and Consumption of Tangible Personalty. An excise is hereby imposed on

"(a) The storage, use or other consumption in Bibb County of tangible personal property purchased at retail, on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of two percent (2 percent) of the sales price of such property, regardless of whether the retailer is or is not engaged in business in Bibb County or in this State, except as provided in subsections (b) and (c) of this section;

"(b) The storage, use or other consumption in Bibb County of any machine used in the mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines and attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines, purchased at retail on or after the first day of January, 1968, for storage, use or other

consumption in Bibb County, at the rate of one percent (1 percent) of the sales price of such machine, parts, attachments, or replacements; and

"(c) The storage, use or other consumption in Bibb County of any automotive vehicle, truck trailer, semi-trailer, or house trailer purchased at retail on or after the first day of January, 1968, for storage, use or other consumption in Bibb County, at the rate of one percent (1 percent) of the sales price of such automotive vehicle truck trailer, semi-trailer, or house trailer; provided, that where any used automotive vehicle or used truck trailer, used semi-trailer, or used house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade;

"Provided, however, that there are exempted from the provisions of this section and the tax imposed in this section the storage, use or other consumption of property the storage, use or other consumption of which are presently exempted under the State Use Tax statutes from the State Use Tax. Subject to the exemptions provided for in the preceding sentence, every person storing, using or otherwise consuming in Bibb County tangible personal property purchased at retail shall be liable for the tax imposed by this section, and the liability shall not be extinguished until the said tax has been paid by such person as herein provided; provided, however, that a receipt from a registered seller given, pursuant to Section 5 of this Act, to the purchaser of any property to be used, stored or consumed in Bibb County shall be sufficient to relieve the purchaser from further liability for a tax of such receipt may refer.

"(d) The storage, use, or other consumption in Bibb County of any machine, machinery, or equipment, which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry, or farms, and the parts of such machines, machinery, or equipment, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this article, for storage, use or other consumption in Bibb County, at the rate of one percent (1 percent) of the sales price of such property, regardless of whether retailer is or is not engaged in business in Bibb County. Provided, however, the one percent rate herein prescribed with respect to parts, attachments, and replacements shall not apply

to any automotive vehicle or trailer designed primarily for public highway use except farm trailers used primarily in the production and harvesting of agricultural commodities."

Section 3. Section 10 of Act Number 17 adopted at the 1957 Regular Session of the Legislature of Alabama, as heretofore amended, is hereby further amended to read as follows:

"Section 10. Disposition of Revenues from Taxes Herein Levied. The State Department of Revenue shall charge Bibb County for collecting the taxes levied herein the cost to the said Department of collecting the said taxes; provided such charge shall not, in any event, exceed 5 percent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for Bibb County may be deducted each month from the tax proceeds collected before the amount of the said proceeds due Bibb County for that month is certified as provided in this section. The Commissioner of Revenue shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the State Department of Revenue; and on or before the first day of each successive month (commencing with the month next succeeding the month in which the Department makes the first collection hereunder) the Commissioner shall certify to the State Comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Bibb County during the month immediately preceding the making of such certificate; and shall state separately in the said certificate the amount of the proceeds so collected from the tax levied in Section 2 hereof and the amount of the proceeds so collected from the tax levied in Section 3 hereof; provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Bibb County during each month, the Commissioner of Revenue may deduct from the taxes collected hereunder in said month the charges due the said Department for collection of the said taxes. It shall be the duty of the State Comptroller (i) to issue his warrant each month, payable to the County Treasurer of Bibb County in his official capacity, in an amount equal to the amount so certified by the Commissioner of Revenue as having been collected for the use of Bibb County, and (ii) to transmit to the County Treasurer of Bibb County, along with the said warrant, a copy of the said certificate by the Commissioner of Reveune.

The County Treasurer of Bibb County shall make monthly distributions of the proceeds from the taxes herein levied and received by the County Treasurer of Bibb County pursuant to the provisions of this section, as follows:

(a) 45 percent of the proceeds from the taxes levied herein

shall be paid each month to, and are hereby appropriated to, Bibb County Hospital Board, a public corporation existing under the provisions of Act Number 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as amended;

(b) 50 percent of the proceeds from the taxes levied herein shall be paid each month to, and are hereby appropriated to, the Bibb County Board of Education and shall be used for constructing, equipping, maintaining, operating and repairing the public schools of Bibb County, and for the purchase and maintenance of school buses, issue warrants for capital outlay, and salaries and shall be administered in such proportions as the County Board of Education deems necessary.

(c) 5 percent of the proceeds from the taxes levied herein are hereby allocated to Bibb County and shall be applied for the support of the County Health Department and the County Emergency Medical Services.

Section 4. All laws or parts of laws in conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective on the first day of the month next following the expiration of thirty days from the date this act becomes law.

Approved July 29, 1976.

Time: 2:45 P.M.

Act No. 182 S. 442—McMillan, Pearson

AN ACT

To provide for commutation of time for certain prisoners for good behavior at a rate to be determined by the Board of Corrections within the limits herein provided and to provide that such good time earned apply toward parole eligibility.

Be It Enacted by the Legislature of Alabama:

Section 1. In order to encourage prison discipline commutation time shall be used as a reward for good behavior at the discretion of the Board of Corrections.

Section 2. The Board of Corrections is hereby empowered to create within the existing classification system a new classification which would authorize a maximum deduction from the

term of the sentence of an exceptional inmate of two (2) days for each one (1) day served. Inmates serving a term for life shall not be eligible for the newly created classification hereby authorized except for the purpose of computing time served toward parole eligibility as hereinafter provided in Section 6.

Section 3. It is the intent of this act that the custody classification provided for in Section 2 of this act be used by the Board only in exceptional cases of good behavior and industriousness in order that inmates be given a meaningful incentive for good behavior.

Section 4. A prisoner under two (2) or more concurrent sentences shall be allowed commutation as if they were all one sentence.

Section 5. For any misconduct in violation of any Federal or State law or prison rule or regulation, including escape or attempt to escape, any part or all of the commutation which shall have accrued in favor of the prisoner to the date of said misconduct may be forfeited and taken away by the Board.

Section 6. Any and all commutation of time shall be included and computed as time served toward parole eligibility. Inmates serving under a sentence of life shall not be subject to the custody classification provided for in Section 2 of this act for the purpose of earning a commutation of time. The provisions of Section 2 shall apply to those inmates serving life sentences provided, however, that said custody classification shall be used solely for the purpose of computing time served toward parole eligibility such time earned not to exceed two (2) years. The provisions of Section 3 of this act shall be applicable to classification of inmates serving life sentences in the same manner as classification of other inmates.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which are in conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on July 29, 1976.

Act No. 183 S. 443—McMillan, Pearson

AN ACT

To provide for paroled convicts to earn good time deductions from penitentiary and hard labor sentences while on parole at the same rate that such good time deductions are earned by prisoners serving sentences in prison.

Be It Enacted by the Legislature of Alabama:

Section 1. Each person who has been or shall hereafter be convicted of an offense against the laws of the State of Alabama and who, in lieu of being incarcerated for a period of time, other than for life, who has been released on parole and whose record of conduct while on parole shows that he has faithfully observed all rules, regulations, and terms of his parole shall be entitled to a deduction from the term of his sentence at the same rate, manner, and subject to the same classifications and regulations as those deductions received by incarcerated inmates of the state or county. Such deductions of parolees shall in no case exceed the deductions to which he would have been entitled if he had not been paroled.

Section 2. The pardon and parole board shall have the power to restore to any parolee who may have forfeited any deduction of time allowed him pursuant to the preceding section by violating his parole but who was not reconfined to prison as a result thereof. The Director of the Department of Corrections shall have the power to restore to any delinquent parolee who has been rearrested and reconfined for the remainder of his sentence or any part thereof any good time earned while on parole, provided the board of pardons and paroles recommends the restoration thereof.

Section 3. The provisions of this act shall, upon the effective date hereof, immediately apply to all persons who are on parole status.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on July 29, 1976.

Act No. 184 H. 178—Carter, Moore (W)

AN ACT

To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Athens, Alabama, are hereby extended so as to include within the corporate limits of the said City of Athens, Alabama, the following described territory or area in Limestone County, Alabama, more particularly described as follows:

Beginning at a point on the North margin of U. S. Highway No. 72 By-Pass, said point being 500 feet West of the intersection of the North margin of said U. S. Highway No. 72 By-Pass with the Eastern boundary of Section 13, Township 3 South, Range 5 West, and from said point of beginning run thence West and along the North margin of said U. S. Highway No. 72 By-Pass a distance of 645.15 feet to a point at the Southwest corner of the Plat of the Glen Valley Subdivision, as shown by plat recorded in Plat Book "D," Page 59 in the Office of the Judge of Probate of Limestone County, Alabama; run thence North 04 degrees 30 minutes West to a point on the North boundary of Washington Street; run thence in a Northeasterly direction and along the North boundary of said Washington Street to a point on the North boundary of said Washington Street located 500 feet West of the Eastern boundary of Section 12, Township 3 South, Range 5 West, said point being the presently existing Western boundary of the City Limits of the City of Athens, Alabama; thence South, parallel to the East boundary line of said Section 12 and along the presently existing Western boundary of the City Limits of the City of Athens, Alabama, to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 185 H. 179—Carter, Moore (W)

AN ACT

To extend the boundary lines and corporate limits of the City of Athens, in Limestone County, Alabama, so as to annex certain territory to the City of Athens, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Athens, Alabama, are hereby extended so as to include within the corporate limits of the said City of Athens, Alabama, the following described territory or area in Limestone County, Alabama, more particularly described as follows:

Beginning at a point on the Northern boundary of Washington Street, said point being 500 feet West of the East boundary of Section 12, Township 3 South, Range 5 West, said point of beginning being at a point on the presently existing Western boundary of the city limits of the City of Athens, Alabama; run thence in a southwesterly direction and along the north boundary of said Washington Street to the western boundary of the East Half of the Southeast Quarter of said Section 12; run thence North and along the Western boundary of the East Half of the Southeast Quarter of said Section 12 to the Northwestern corner of the East Half of the Southeast Quarter of said Section 12, and continue running North along the Western boundary of the East Half of the Northeast Quarter of said Section 12 to a point on the North boundary of said Section 12; run thence East and along the north boundary of said Section 12 to the presently existing western boundary of the city limits of the City of Athens, Alabama, which is 500 feet west of the eastern boundary of said Section 12; run thence South and parallel to the eastern boundary of said Section 12 and along the presently existing western boundary of the city limits of the City of Athens, Alabama, to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 186 H. 297—Folmar

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike, and State of Alabama,

be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

Commencing at the northwest corner of the NW¼ of the SW¼, Section 14, Township 10 North, Range 21 East; thence East 1320 feet; thence North 330 feet; thence East to the centerline of the Conecuh Road (Pike County Highway No. 55); thence Southwesterly along the centerline of said highway to the east line of the W½ of the SW¼ of the SW¼ of said Section 14; thence South to the center of said SW¼ of the SW¼ of Section 14; thence Easterly 1320 feet, more or less, to the center of the SE¼ of the SW¼, Section 14; thence Southerly 2640 feet, more or less, to the center of the SE¼ of the NW¼ Section 23, Township 10 North, Range 21 East; thence Westerly 660 feet, more or less, to the east line of the SW¼ of the NW¼, said Section 23; thence Southerly 1320 feet, more or less, to the southeast corner of the North half of the NW¼ of the SW¼, Section 23; Thence Westerly 1320 feet, more or less, to the west line of Section 23; thence Northerly 660 feet along the section line; thence Westerly 2640 feet, more or less, to the center of Section 22 and the present corporate limits of the City of Troy; thence Westerly along the present 1. corporate limit line to the centerline of U.S. Highway No. 29, Northeasterly along the centerline of U.S. Highway 29 to the north line of Section 22; Easterly along the north line of Section 22 to the section corner and Northerly along the west line of Section 14, to the point of beginning. Said lands lying and being situated in Section 14, 15, 21, 22 and 23, Township 10 North, Range 21 East, Pike County, Alabama, and containing 579 acres, more or less.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the City of Troy during the time such land is used for farming purposes.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 187 H. 760—Morris

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Alexander City in Tallapoosa County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The South three quarters of the West half of Section 13, T-23 N, R-21 E, and the South three quarters of Section 14, T-23 N, R-21 E, and all of Section 15, T-23 N, R-21 E, less and except the Northeast ¼ of the Northeast, and less and except the West half of Southwest ¼ of Southwest ¼, Section 15, also commencing at the Southwest corner of Section 10, T-23 N, R-21 E, thence East along the South line of Section 10, 692 feet to the point of beginning, thence North 1,358 feet to the South right of way of a county road, thence Easterly along said right of way 1,996 feet to the half section line of Section 10, thence South 1,027 feet to the section line, thence West along the South line of Section 10, 1,980 feet to the point of beginning. Also all of the NE ¼ of Section 22 lying West of the Convict Camp Road, in T-23 N, R-21 E, Tallapoosa County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 188 H. 695—Plaster, Edwards

AN ACT

To amend Act No. 701, H. 1636, Regular Session 1975, relating to boundary lines of Lowndesboro, Alabama, in Lowndes County, so as to correct a typographical error in the description of said boundary lines.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 701, H. 1636, Regular Session 1975 is hereby amended to read as follows:

"Section 1. The boundary lines of the Town of Lowndesboro, Alabama, Lowndes County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Lowndesboro and in addition thereto the following described territory, to-wit:

"North half of Southwest quarter, Section 13 T 15 N, R 14 E, SE ¼ of SW¼, Section 13 T 15 N, R 14 E, SE ¼ of NE ¼ Section 13, T 15 N, R 14 E, NW ¼ of NE ¼ Section 24, T 15 N, R 14 E, S ½ of SE ¼ Sec 12, T 15N, R 14 E".

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise beoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 189 H. 556—Moore (O)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Calera in Shelby County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

A parcel of land located in Section 3 and 4, Township 24 North, Range 13 East, Shelby County, Alabama, more particularly described as follows: Begin at the intersection of the West City Limits of the City of Calera, Alabama, and the Southeasterly Right of Way Line of the Southern Railway; thence in a Southwesterly direction, along said Southeasterly Right of Way line, to the intersection of a line which lies 400 feet West of the West Right of Way Line of Shelby County Highway #75, said line being extended in a Northerly direction to said point of intersection; thence in a Southerly direction, along said line, to the intersection of the Southeasterly Right of Way line of Shelby County Highway #20, said Right of Way Line being extended in a Westerly direction of said intersection;

thence in a Northeasterly direction, along said Southeasterly Right of Way Line, to the intersection of the South City Limits Line of the City of Calera, Alabama. Thence in a Westerly direction along the present South City Limits of Calera to the present West City Limits Line, thence in a Northerly direction along said West City Limits to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 190 H. 557—Moore (O)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Calera in Shelby County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

A parcel of land located in the East ½ of Section 3, Township 24 North, Range 13 East, more particularly described as follows: Commence at the Northeast corner of said Section 3; thence in a Southerly direction, along the East line of said Section, a distance of 1304.13 feet to the Southeast corner of the Northeast ¼ of the Northeast ¼ of said Section, said point being on the South City Limit Line of the City of Calera, Alabama, and the Point of Beginning of herein described property; thence continue along last described course a distance of 2608.26 feet to the Southeast corner of the Northeast ¼ of the Southeast ¼ of said Section; thence 93 degrees 44 minutes 57 seconds right, in a Westerly direction, a distance of 875.12 feet; thence 86 degrees 13 minutes 33 seconds right, in a Northerly direction, a distance of 2610.16 feet to the said South City limit Line of the City of Calera, Alabama; thence 93 degrees 53 minutes 53 seconds right, in an Easterly direction, along said South City Limit Line, a distance of 876.50 feet to the Point of Beginning.

Above described parcel includes Allendale Subdivision, as

recorded in Map Book 4, Page 78 in the office of the Judge of Probate in Shelby County, Alabama.

Section 2. All laws or parts of laws which conflict with this are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 191 H. 558—Moore (O)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Calera, in Shelby County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Calera in Shelby County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Commence at the Northwest corner of Section 1, Township 24 North, Range 13 East and run east along Freeman Base Line a distance of 691.72 feet, according to description in Buxahatchee deed as recorded, to the Southwest corner of SE¼ of fractional Section 22, Township 22 South, Range 2 West; continue East along said Base Line a distance of 268.28 feet to the point of beginning of the City Limits extension herein described; thence turn an angle of 88 deg. 50 min. to the left and run a distance of 1141.65 feet to a point; thence turn an angle of 51 deg. 38 min. 45 sec. to the right and run a distance of 312 feet to a point; thence turn an angle of 35 deg. 40 min. to the left and run a distance of 794 feet to a point; thence turn an angle of 47 deg. 45 min. 15 sec. to the right and run a distance of 246.22 feet to a point; thence turn an angle of 71 deg. 39 min. 45 sec. to the right and run a distance of 226.20 feet to a point; thence turn an angle of 43 deg. 47 min. 30 sec. to the right and run a distance of 92.7 feet to a point; thence North 88 deg. 40 min. East (MB) for a distance of 717.79 feet to a point; thence turn an angle of 90 deg. 00 min. to the right and run a distance of 1230.0 feet to a point; thence run East to the Northeast corner of the S½ - E½ of fractional SE¼ of said section; thence run South along the East boundary of said fractional

SE¼ and said section to the point of intersection with Freeman Base Line; thence run West along said Freeman base line to the point of beginning; located in the SW¼ of NE¼, SE¼ of NE¼, NW¼ of SE¼, NE¼ of SE¼, Fractional SW¼ of SE¼, fractional SE¼ of SE¼, Section 22, Township 22 South, Range 2 West.

Also a 40 foot Right-of-Way for a public road being 20 feet on each side of a centerline described as follows: commence at the Southeast corner of N½ of W½ of fractional SE¼, Section 22, Township 22 South, Range 2 West; thence west along south line of said N½ of W½ of fractional SE¼ a distance of 135 feet to the centerline of the 40 foot road and the point of beginning; thence turn an angle of 89 deg. 23 min. 15 sec. to the right and run a distance of 1330.29 feet to a point; thence turn an angle of 43 deg. 47 min. 30 sec. to the left and run a distance of 248.69 feet to a point; thence turn an angle of 25 deg. 10 min. 45 sec. to the left and run a distance of 163.15 feet to the southeast right-of-way line of State Highway 25 and the point of ending; located in the N½ of W½ fractional SE¼ and SW¼ of Section 22, Township 22 South, Range 2 West.

Also the NW¼ of NE¼ West of L & N Railroad, NE¼ of NW¼, NW¼ of NW¼ lying east of interstate Highway 65 of Section 1, Township 24 North, Range 13 east.

Also commence at the Northeast corner of Section 2, Township 24 North, Range 13 East and run west along Freeman Base line a distance of 122 feet, according to Alabama Dynamics, Inc. deed (Glidewell) as recorded in book 285, Page 140; thence south a distance of 16.0 feet to the point of beginning on the West right-of-way of Interstate Highway I-65; thence run West and parallel to said base line to the present city limits of Calera, Alabama; thence south along said city limits to the south boundary of said city limits; thence continue south in said direction to the north right-of-way of the Louisville and Nashville Railroad; thence east along said right-of-way of said railroad to the point of intersection with the west right-of-way of Interstate Highway 65; thence northerly along said west right-of-way of said Interstate 65 to the point of beginning. All of the above property is situated in Shelby Sounty, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 192 H. 298—Folmar

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become efective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limit of the City of Troy, in the County of Pike, and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

The north half of the northeast quarter of the southeast quarter of Section 8, Township 9 North, Range 21 East, Pike County, Alabama.

Section 2. That all laws or parts of laws in conflict therewith are hereby repealed.

Section 3. That this Act shall become effective upon its passage and approval by the Governor.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 193 H. 393—Smith (M)

AN ACT

To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Wedowee, Randolph County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Wedowee and in addition thereto the following described territory, to wit:

SW¼, W½ of SE¼, W½ of NE¼, Section 4, Township 20, Range 11, and NW¼, of NW¼, of Section 14, Township 20, South, Range 11, East in Randolph County, Alabama.

Section 2. This bill to be enacted is to Amend Act No 1078,

and H. 1955, approved October 10, 1975, and that this Act shall become efective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 194 H. 394—Smith (M)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Woodland in Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Woodland in Randolph County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The SW ¼ of SW ¼, SE ¼ of SW ¼ Section 9, and SW ¼ of NW ¼, SW ¼ of NE ¼ Section 16, all lying in Township 19 South, Range 12 East of the Huntsville Meridian, Randolph County, Alabama and containing 160 acres more or less.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 195 H. 548—Williams, Sasser

AN ACT

To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Newton, Dale County, Alabama, be and the same are altered or re-

arranged so as to include within the corporate limits of said city, all territory now within such corporate limits, and also other territory within Dale County, Alabama, described as follows:

Beginning at a point where the South Right of Way line of County Road Number 18 intersects the East Right of Way line of U. S. 231; running thence Northwesterly along the East Right of Way line of U. S. 231 to the North forty line of SE ¼ of NE ¼, Section 30, T5N, H25E, thence East along the North Line of SE ¼ of NE ¼, Section 30, T5N, R25E, to a point 500.0 feet East of the East Right of Way line of U. S. 231; thence Southeasterly parallel to and 500.0 feet from the East Right of Way line of U. S. 231 to the South Right of Way line of County Road Number 18; thence Southwesterly along the South Right of Way line of County Road Number 18 for a distance of 500.0 feet to the point of beginning.

Said proposed extension ties to the existing city limits at the North portion along U. S. 231.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 196 H. 547—Williams, Sasser

AN ACT

To alter or rearrange the boundary lines of the City of Newton, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Newton, Dale County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said city, all territory now within such corporate limits, and also other territory within Dale County, Alabama, described as follows:

Beginning at a point where the South Right of Way line of Seaboard Coast Line Railroad intersects Hurricane Creek, said point being tied to the Existing City Limits, City of Newton, Dale County, Alabama; running thence North along Hurricane Creek to a point where said creek intersects the North

Right of Way line of County Road No. 21; thence continuing North along Hurricane Creek for a distance of 1200 feet; thence East parallel the North Right of Way line of County Road No. 21 to the center line of State Highway No. 123; thence North along the center line of State Highway No. 123 to a point where the center line of State Highway No. 123 intersects the center line of County Road No. 18; thence East-Northeast along the center line of County Road No. 18 to a point where said road intersects the East line of the NW ¼ of SW ¼, Section 30, T5N, R25E, said line being the Existing City Limits; thence South along the forty lines (Existing City Limits line) to the Southeast corner of the SW ¼ of NW ¼, Section 31, T5N, R25E; thence West along the forty line (Existing City Limits line) to the East line of Section 36, T5N, R24N; thence South along the East line of Section 36, T5N, R24E (Existing City Limits line) to the Southeast corner of Section 36, T5N, R24E; thence West along the South line of Section 35 and 36, T5N, R24E, (Existing City Limits line) to the center of State Highway No. 123; thence South along the center line of said road (Existing City Limits line) to the South Right of Way line of Seaboard Coast Line Railroad; thence Southwest along the South Right of Way line of said Railroad (Existing City Limits line) to Hurricane Creek and the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 5, 1976.

Time: 4:30 P.M.

Act No. 197 H. 388—Merrill

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1977.

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation and including employee benefits for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer, official, or consultant and shall be expended only for such purposes: (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and

shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including office, instructional, medical, health and general supplies and materials, library books and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, steam, insurance and bonding, auditing, printing and binding, repairs and alterations, maintenance of equipment, buildings and grounds, sanitation service, laundry expense, dues and memberships, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of administrative, office, laboratory and instructional equipment and maintenance, buildings and ground equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. (e) "operation and maintenance" shall include any of the expenditures as set out in items (a), (b), (c), and (d) in this section, but shall not include any capital outlay expenditures or transfers to any capital outlay account unless so stated in this act.

Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1977, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

A.	For Adult Basic Education: To be used to match Federal Funds for removal of illiteracy program	300,000.00
B.	Athens College: Operations and maintenance	1,000,000.00

C.	Civil Defense Survival Plan:		
	For salaries and other expenses only, in the operation of the Civil Defense Plan		20,000.00
D.	Civilian Rehabilitation:		
	For the vocational rehabilitation of handicapped individuals	4,860,000.00	
	For the Governor's Committee on Employment of Handicapped	40,000.00	
	For Medical Services, adjustment training and attendant care for paraplegics and quadplegics	800,000.00	
	Total		5,700,000.00
E.	For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.)		15,750.00
F.	Coordination of In-School Television Program:		
	For salaries	78,000.00	
	For other expenses	25,625.00	
	For equipment	1,500.00	
	Total		105,125.00
G.	For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:		
	For salaries	214,850.00	
	For other expenses	90,000.00	
	For equipment purchases	2,000.00	
	Total		306,850.00
H.	For Driver Education		4,415,000.00
I.	Drug Education Program:		
	For the necessary education on drug abuse		165,000.00
J.	DEPARTMENT OF EDUCATION:		
	(a) For the Department of Education:		

	For the salary of the State Superintendent, Estimated	40,000.00	
	For other salaries	1,088,992.00	
	For other expenses	160,000.00	
	For rental expense	475,000.00	
	For equipment purchases	15,000.00	
	For transfer to Personnel Dept.	30,800.00	
	Total		1,809,792.00
(b)	For the Kindergarten Pilot Program		500,000.00
(c)	For the "Right to Read Program		51,000.00
(d)	For operation of the Teacher Certification Program		200,000.00
(e)	For Regional Education; Southern Regional Education Board		160,000.00
(f)	For career education		50,000.00
(g)	For update of legal reference manual		4,000.00
(h)	For the Division of Rehabilitation and Crippled Children Services; for the Home Bound to provide medical and attendant care and adjustment aids to certain handicapped persons		1,500,000.00
	(The above appropriation is to be expended in accordance with Act No. 109, Third Special, 1975, approved May 1, 1975, and shall be in addition to the amount appropriated in Act 109.)		
K.	Elementary Teachers Scholarship Fund		25,000.00
L.	Free Textbooks:		
	For salaries	69,125.00	
	For other expenses	40,000.00	

For disbursements to local boards	62,250.00	
For the repair of used and the purchase of new textbooks	6,318,418.00	
For operation of Course Study Commission	12,707.00	
Total		6,502,500.00

M. Alabama School of Fine Arts:
For operation and maintenance **300,000.00**

(MM) For capital outlay: To be allocated upon the recommendation of the State Superintendent of Education to the State Board of Education which shall be authorized to make full or partial allotments of the funds hereby appropriated to any school system based on a study conducted by the State Department of Education to identify those soundly managed and properly supported school systems with a demonstrated need for capital expenditures which study shall include, but shall not be limited to, the following factors: (1) The growth in student enrollment, (2) The local school tax effort, (3) The local tax base, (4) personal income levels in the school district and (5) the present condition of facilities in the school district, the sum of $5,000,000.00. Provided however, said system must match said fund allocation on a 50/50 matching basis.

(This appropriation in Section (MM) shall be conditional upon the condition of the Alabama Special Educational Trust Fund and with the approval of the Governor for the fiscal year ending September 30, 1977.)

N. Junior College Equalization Account:
For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education 29,000,000.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Commu-

nity College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville.)

Of the above appropriations contained herein in Section 3, paragraph N not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

O. S. D. Bishop Junior College, for School of mortuary science 50,000.00

P. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act 400,000.00

Q. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1977, the sum of $382,213,452.00 to be distributed by the State Board of Education to be used as follows:

Minimum Program Fund:

Local Boards	357,395,561.00
Board of Adjustment Awards	150,000.00
Teachers' Sick Leave	3,095,088.00

Teachers' Personal Leave	1,031,696.00	
Hospital-Medical Insurance Assistance	7,705,368.00	
Instructional Supplies & Materials	9,835,739.00	
Maintenance	3,000,000.00	
Total		382,213,452.00

as the Mimimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State. Provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than two hundred fifty (250) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel. In addition to teacher units allocated above, and the additional units provided in Section 3 (S) (i) of Act No. 129 of the 1975 4th Special Session it is further provided that 350 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1977. It is the intent of the legislature that priority be given to reduction of class size in grades 1-6, therefore the Alabama Education Study Commission and the State Department of Edu-

cation shall have the authority to insure that the intent of the legislature is implemented.

All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1975-76 school year.

(c) Two hundred and fifty dollars ($250) per teacher unit for grades 1-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein above appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall approve or disapprove requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

(d) It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation on regular units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system

may reduce during the school year the number of teachers it employed with the local funds during the school year 1975-76 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education and the Education Study Commission such information as may be necessary to determine that the provisions of this section have been implemented. These agencies shall jointly report to the State Board of Education the implementation of the above provisions by December 31, 1976, and to the Legislature by the first legislative day of the next regular session.

(e) The appropriation hereinabove made to the Minimum Program provides for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1977.

(f) The appropriation hereinabove made to the Minimum Program (Sub-sections) and Vocational Education (sub-section X (a) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation #56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

The funds hereinabove shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan (s) and the carrier (s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund.

(g) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of not more than $17.00 per day. The salary allotment shall be made in accordance with the schedule set out hereinabove.

The above appropriation contained in sub-section (a) Local Boards shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation hereinabove set out for the fiscal year 1976-77 is based on 30,344 teacher units.

It is provided that in the event there are more than 30,344 earned teacher units in the fiscal year 1976-77, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

The appropriations hereinabove made for maintenance is to be allocated for repairs and renovation of the various school systems based on an earned teacher unit basis. The appropriation hereinabove made also provides 250 additional teacher units for special education and 350 additional teacher unit for grades 1-6 as set out in sub-section (b).

(h) The appropriation hereinabove contained for distribution to local school boards under the Minimum Program Fund shall include no less than $250,000 of the Mobile County Board of Education's share of said funds with said $250,000 to be spent in its entirety by the Mobile County Board of Education for materials, equipment, other capital improvements, personnel and support materials for a special program to provide for

special educational opportunities for the deaf children in Mobile County.

R.	Minimum Program Account: Trainable Retarded Children: For the administration of a program for exceptional children and youth		433,312.00
	The appropriation hereinabove made shall be expended by the State Board of Education for cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.		
S.	National Defense Education Program		330,000.00
T.	Crippled Children's Service: For salaries and operation and maintenance		3,289,000.00
	For Hemophilia treatment program		300,000.00
	(As provided for under Act 1181, 1975 Regular Session.)		
U.	To the Department of Education for Plans and Surveys:		
	For salaries	58,000.00	
	For other expenses	16,500.00	
	Total		74,500.00
V.	To the Department of Education for transfer to the State Telephone Revolving Fund		859,512.00
W.	State Tenure Commission: For expense of operation		5,000.00
X.	(a) Vocational Education:		
	For salaries	100,000.00	
	For other expenses	40,000.00	
	For equipment purchases	1,000.00	

Institutions and Special Schools	1,400,000.00	
Distributions to local boards	27,459,000.00	
Total		29,000,000.00

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year providing facilities and enrollment meet minimum state standards.

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b)	Vocational Education: For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration projects	400,000.00
(c)	Vocational Education: For the Alabama Industrial Development Training Program	1,714,320.00
Y.	State Vocational Technical School Equalization Account: For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education	22,000,000.00
	(The above appropriation is to	

be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College - Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical School; (a) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College - Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).

Of the above appropriations contained herein in Section 3, paragraph X not more than the sum of $210,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

Z. Board of Trustees of the Agricultural and Mechanical University:	
For the operation and maintenance of the University	6,194,000.00
ZZ. Board of Trustees of Alabama State University at Montgomery:	
For the operation and maintenance Alabama State University at Montgomery	5,414,000.00

Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:	
(1) For operation and maintenance	25,296,000.00
(2) Gadsden Cooperative Upper Division Program	160,000.00
(3) For Emotionally Disturbed Children	362,000.00
(4) College of Community Health Sciences	1,500,000.00
(5) For Public Service, Research and Extension	1,516,000.00
(6) For Nursing Scholarships	18,000.00
(7) Psychology Department	100,000.00
(8) School of Nursing: For operation and maintenance	200,000.00
(9) Mine Resources Institute	200,000.00
(10) Museum of Natural History — Moundville State Park	126,000.00
(11) For Family Residency Program	375,000.00
B. The University — Birmingham:	
(1) For the University College: Operation and maintenance	9,268,800.00
(2) For the School of Community and Allied Health Resources	1,123,000.00

(3)	For the School of Dentistry: For operation and maintenance	5,000,000.00
(4)	For Diabetes Clinics: For operation and maintenance	250,000.00
(5)	For Extension, Public Service and Research	500,000.00
(6)	Urology Department: Treatment, Research and Development	400,000.00
(7)	Regional Technical Institute: For operation and maintenance	1,034,000.00
(8)	For Joint Health Science Program: For operation and maintenance	1,280,000.00
(9)	For Center for Labor Education and Research	250,000.00
(10)	For Medical School:	
	(a) For operation and maintenance	9,132,000.00
	(b) For operation and maintenance of Medical Information Service via Telephone	100,000.00
	(c) For Department of Pediatrics	300,000.00
(11)	For Lurleen B. Wallace Cancer Program: For operation and maintenance	250,000.00
(12)	For School of Nursing: For operation and maintenance	1,644,000.00
(13)	For School of Nursing — Scholarships	88,400.00
(14)	For Student Nurses — Loan Fund	12,000.00
(15)	For School of Optometry: For operation and maintenance	1,000,000.00
(16)	For the University Hospital and Clinics	4,100,000.00
(17)	Spinal Cord Injury Program	175,000.00

(These appropriations under Subsection B, University of Alabama in Birmingham, are for the unrestricted support of these activities and therefore insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama, whether acting

on their behalf or for others, are hereby prohibited from applying or taking into account in any manner whatsoever, any portion of these appropriations in determining reimbursement for patient care activities.)

(18) For the Office of Extension, Public Service and Research to be expended for urology development 100,000.00

C. The University — Huntsville:

(1) For operation and maintenance 4,181,760.00

(2) (a) For School of Medicine (School of Primary Medical Care) 1,900,000.00

(b) For Ambulatory Care Center 350,000.00

(3) For Division of Nursing — Scholarships 18,000.00
(To be expended in accordance with Act No. 2290, 1971 Regular Session.)

(4) Environmental Science Center 250,000.00

(5) School of Nursing 600,000.00

Section 5 BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance 25,540,800.00

(2) Engineering Experiment Station 475,000.00

(3) Television Education 300,000.00

(4) Center for Vocational and Adult Teacher Education (The funds provided in subsection (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adults education 500,000.00

(5) Psychology Department 100,000.00

(6) Wildlife Research Unit 50,000.00

(7) Public Service, Research & Extension 400,000.00

B. Agriculture Research:
Alabama Agriculture Experiment Station at Auburn, for work and experimentation. 5,460,000.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1977.

The funds provided in this sub-section (c) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researches to discover new uses of land; for the provisions of necessary land, building, fencing livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services..... 5,930,000.00

For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session 500,000.00

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University — Montgomery:

For operation and maintenance 4,233,600.00
For Montgomery Area Community Health Sciences Institute 110,000.00

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

For operation and maintenance 7,014,720.00
For School of Nursing Scholarships 18,000.00
(To be expended in accordance with Act No. 2288, 1971 Regular Session)
For Gadsden Program 245,000.00

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

For operation and maintenance 2,376,000.00
For School of Nursing Scholarships 18,000.00

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

For operation and maintenance 4,049,280.00
For Speech and Hearing Clinic 150,000.00
For operation and maintenance of a Highway Safety Program 110,000.00

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

For operation and maintenance 4,800,000.00
For School of Nursing Scholarships 18,000.00
(To be expended in accordance with Act No. 2304, 1971 Regular Session.)

Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

(a) For operation and maintenance 7,144,320.00
(b) For Coordinate College for Health Professions 542,000.00

(c) For operation and maintenance of a College of Medicine 5,650,000.00

(d) For Nursing Scholarships 18,000.00
(To be expended in accordance with Act No. 2302, 1971 Regular Session.)

(e) For Teaching Hospital 800,000.00
(For unrestricted support of health professions education conducted in the University Hospital and Clinics.)

(f) University Medical Center:
For operation and maintenance 500,000.00
(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriations in Section 10, in determining reimbursement to University Medical Center for patient care services.)

(g) For Ambulatory Care Center 50,000.00

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

(a) For operation and maintenance 4,995,840.00

(b) For operation and Maintenance of Troy State University at Montgomery 165,000.00

(c) For operation and maintenance of Troy State University at Fort Rucker — Dothan 165,000.00

(d) For School of Nursing — Scholarship 36,000.00
(To be expended in accordance with Act No. 2292, 1971 Regular Session.)

(e) For Public Service Research and Extension 200,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) For operation and maintenance 2,960,000.00

(b) For operation and maintenance of the Department of Adult Blind and Deaf 1,255,000.00

Also each certificated employee shall be allowed two hundred sixteen dollars ($216) to provide hospital-medical insurance assistance. A majority of the participating profes-

sional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE

(1) For the payment of principal and principal and interest due issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX		309,480.00
(2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX		309,480.00
(3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII		207,066.50
(4) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI		201,094.60
(5) Interest on Endowments: For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000.00	
For interest on Auburn University Endowment	20,280.00	
For interest on University of Alabama Endowment	61,000.00	
For interest on Grove Hill Endowment	600.00	
For interest on Public School Fund Endowment:		
Interest on 16th Section lands, Estimated	310,000.00	
Interest on School Indemnity lands, Estimated	67,135.81	
Interest on Valueless 16th Section lands	5,825.47	
Interest on Surplus Revenue	26,763.47	

Interest on James Wallace Fund	275.25	
Total		536,880.00

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association 83,000.00

(To be expended under the provisions of Act No. 792, 1965 Regular Session)

Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:

For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated 7,623.00

Section 16. ALABAMA EDUCATION STUDY COMMISSION:

To be used for educational studies in accordance with Act No. 15, 1969 Special Session.

For salaries, other expenses and equipment purchases 205,000.00

Section 16 A. DEPARTMENT OF EDUCATION:

For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating in this Pilot Program shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund 70,000.00

Section 17. COMMISSION ON HIGHER EDUCATION:

For salaries and other expenses 225,000.00

(No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.)

(To be expended in accordance with Act No. 14, 1969 Special Session.)

Section 18. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For salaries	725,000.00	
For other expenses	550,000.00	
For equipment purchases	125,000.00	
For automotive equipment purchases	5,500.00	
For programming	375,000.00	
Total		1,780,500.00

Section 19. DEPARTMENT OF PUBLIC HEALTH:

For transfer to the Department of Health:		
For Immunization of Preschool and students	250,000.00	
For Public School Food Sanitation Program	250,000.00	
Total		500,000.00

Section 20. MARINE ENVIRONMENTAL CONSORTIUM:

For operation and maintenance	325,000.00

Section 21. MEDICAL SCHOLARSHIPS BOARD:

For Medical Scholarships at the University of Alabama Medical School (To be expended under the provisions of Act No. 278, 1965 1st Special Session.)	135,000.00

Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT 25,000.00

Section 23. ALABAMA PUBLIC LIBRARY SERVICE:

For salaries, other expenses, books and periodicals, State Aid to Counties, equipment purchases and automotive equipment purchases	950,000.00

Section 24. SOCIAL SECURITY:

For State's share of Social Security, Estimated	36,000,000.00

Section 25. SYLACAUGA NURSES TRAINING SCHOOL:

For operation and maintenance	40,000.00
For School of Nursing Scholarships	18,000.00

(To be expended in accordance with Act No. 2393, 1971 Regular Session.)

Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

For Teachers' Retirement System, estimated 104,018,572.00

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

For Teachers' Special Pension Fund, estimated 4,670,000.00

Provided that any increase in the above appropriations shall be made only after a thorough review and recommendation in writing by the Board of Control of the Retirement System, the Retirement Actuary, and the Budget Officer, and certified by them to the Governor.

Section 27. VETERANS EDUCATION BENEFITS:

For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated 975,000.00

Section 28. YOUTH SERVICES BOARD:

For operation and maintenance 5,100,000.00

For salaries of Probation Officers 1,000,000.00

(To be expended in accordance with Act No. 816, 1973 Regular Session)

Youth Services Board For Administration 396,170.62

Section 29. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED 29,100.00

Section 30. ALABAMA LAW INSTITUTE

For Library Books 64,000.00

Section 31. ALABAMA LEARNING RESOURCES CENTER:

(Instructional Materials Center) 60,000.00

Section 32. COMMISSION ON PHYSICAL FITNESS 64,080.00

Section 33.	ALABAMA LAW INSTITUTE	125,000.00
Section 34.	THE ALABAMA POST-SECONDARY 1202 COMMISSION:	
	For the Alabama Student Assistance Program	280,000.00
Section 35.	ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION	45,000.00
Section 36.	ALABAMA COUNCIL ON THE ARTS AND HUMANITIES	145,000.00
Section 37.	ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION	50,000.00
Section 38.	Birmingham Symphony Association, Inc.	95,000.00
Section 39.	John Will Memorial Scholarship	1,000.00
Section 40.	UNIVERSITY OF ALABAMA — BIRMINGHAM FOR FAMILY RESIDENCY PROGRAMS:	
	(a) Anniston	200,000.00
	(b) Decatur	200,000.00
	(c) Jefferson County	200,000.00
	(d) Montgomery	200,000.00
	(e) Heflin	50,000.00
	(f) Selma	200,000.00
	UNIVERSITY OF SOUTH ALABAMA FOR FAMILY RESIDENCY PROGRAMS	
	(a) Pike County	200,000.00
	(b) Baldwin County	200,000.00

It is further provided that of the $200,000.00 appropriation provided for the Anniston program not more than one Director of the Family Practice Residency Program may be hired from the proceeds of said appropriation.

Section 41. The State Superintendent of Education shall make requisition on the State Controller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama,

Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 42. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 43. This Act shall become effective on October 1, 1976.

Approved August 5, 1976.

Time: 7:00 P.M.

Act No. 198 H.J.R. 270—Glass

HOUSE JOINT RESOLUTION

PROCLAIMING AUGUST 29, 1976 AS ELVIS PRESLEY DAY IN THE STATE OF ALABAMA

WHEREAS, Elvis Presley is scheduled to perform before a sell out crowd in Mobile on August 29; and

WHEREAS, people of all ages in Mobile have long awaited his appearance in their city; and

WHEREAS, for many years Elvis Presley has continued to delight his millions of fans across the world with his sensational music and dynamic style; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we proclaim and designate August 29 to be recognized as Elvis Presley Day in the State of Alabama.

Approved August 5, 1976.

Time: 2:00 P.M.

Act No. 199 H.J.R. 273—Wyatt

HOUSE JOINT RESOLUTION

CONGRATULATING LEABORNE L. EADS UPON BEING ELECTED AS PRESIDENT OF THE NATIONAL EXCHANGE CLUB ORGANIZATION

WHEREAS, Leaborne L. Eads has worked his way up through the National Exchange Club Organization beginning in the offices of his local club, the Exchange Club of East Montgomery; being a member of the Metropolitan Montgomery Exchange Club; having served as district director and as president of the Alabama District of Exchange Clubs; and having been elected to the Board of Directors of the National Exchange Clubs in 1972 and then again in 1973; and

WHEREAS, Leaborne L. Eads' tireless service to his community and state is indicated by his six years as chairman of the Alabama District's national education program, "One Nation Under God;" and

WHEREAS, his many contributions to the Exchange Club Organization have been recognized as he has been awarded the Outstanding Alabama District Exchangite Award in 1971 and was elected as President of the National Exchange Club Organization; and

WHEREAS, this elected office is a tremendous honor for a man who has earned it by working so diligently for the National Exchange Club Organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body congratulates Leaborne L. Eads upon his election as President of the National Exchange Club Organization and wishes him a happy and successful tenure.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mr. Leaborne L. Eads and to the Metropolitan Montgomery Exchange Club.

Approved August 5, 1976.

Time: 2:00 P.M.

Act No. 200 H. 64—Brindley

AN ACT

To alter, rearrange, and re-establish that part of the boundary line between Blount and Etowah Counties from Blount Mountain to the

Locust Fork of the Black Warrior River, which line heretofore has been uncertain under existing laws.

Be It Enacted by the Legislature of Alabama:

Section 1. That part of the boundary line between Blount and Etowah Counties from Blount Mountain to the Locust Fork of the Black Warrior River which is uncertain under present law is hereby altered, rearranged, and re-established and shall be as follows:

Commence at a point where the boundary line between Township 12 South and Township 13 South intersects the boundary line between the counties of Etowah and St. Clair, which said point is the crest of Blount Mountain near the northeast corner of Section 4, Township 13 South, Range 3 East; thence continue in a westerly direction along the boundary line between Township 12 South and Township 13 South to where said boundary intersects the Locust Fork of the Black Warrior River.

All that territory lying north of said line dividing Townships 12 South and 13 South in Range 3 East, hereafter shall be a part of Etowah County; and all that territory lying south of said line hereafter shall be a part of Blount County.

Section 2. Except as arranged and provided in Section 1 of this Act the boundary lines between Blount and Etowah Counties shall remain as at present fixed by law.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 201 H. 65—Brindley

AN ACT

To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 113, H. 551, approved July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals

receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 202 H. 66—Brindley

AN ACT

Relating to Blount County; to change the method of compensating the judge of probate, the tax assessor, and the tax collector, and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Blount County shall be entitled to receive compensation as follows:

(a) The judge of probate, an annual salary of $21,500.00

(b) The tax assessor, an annual salary of $15,500.00

(c) The tax collector, an annual salary of $15,500.00

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, and tax collector, hereafter shall be collected and paid into the general fund of the county.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective on the first day of the first month beginning after the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to so regulate the compensation of such officers; provided

that a majority of the qualified electors of Blount County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Blount County on such amendment is not favorable thereto, then this act shall have no force or effect. Provided further, should there be constitutional or statutory prohibitions preventing any of these public officers named herein from receiving such prescribed compensation as of such date, the provisions of this act shall become effective as to them immediately following the date upon which such prohibition expires.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 203 H. 67—Brindley

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Allgood, in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Allgood in Blount County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The SE ¼ of the NW ¼ and the NW¼ of the NE ¼ of Section 14, Township 13 South, Range 1 East, situated and being in Blount County, Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 204 H. 82—Mitchem, Kelley

AN ACT

To provide authority for the government and control by civil service regulations of the Employees of the City of Albertville, Alabama;

to provide for a civil service board in said City and to fix its duties, authorities, powers and compensation.

Be It Enacted by the Legislature of Alabama:

1. Employees of All Departments may be placed under civil service: The Mayor and City Council of the City of Albertville is authorized and empowered at any time subsequent to the enactment of this statute to put into force and effect an ordinance or ordinances governing All Departments of said City as provided in the act; but this act shall have no effect excepting as an authority for the City of Albertville to take such action. The employees of All Departments in the City of Albertville, Alabama, including the supervisors of said Departments, may be governed by civil service regulations under the direction and supervision of a board as hereinafter provided, and all persons who may hereafter be elected or appointed as supervisors or employees of such Departments, or either of them, or who may hereafter be employed in either of said Departments as members of said City during good behavior, efficiency, and obedience to such reasonable rules and regulations as may, from time to time, be prescribed by the civil service board, which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent or preclude the removal of any supervisor or employee of either of said Departments by the Mayor with the approval of the civil service board in the manner hereafter prescribed.

2. Selection of board: The Mayor and Council shall appoint, with a majority vote of four necessary, a civil service board which will consist of five members, to serve the follow terms:

One member will serve for two years,

One member will serve for three years,

One member will serve for four years,

One member will serve for five years,

One member will serve for six years.

Thereafter there will be an appointment by the Mayor and Council upon the expiration of a term, a successor for a period of four years, with a majority vote of four necessary. However, it shall be legal to appoint any member to serve an additional four year term. Appointments to fill vacancies by reason of death or resignation on said board shall be for the unexpired term.

Three members of said board shall constitute a quorum. No person shall be eligible to be a member of said civil service

board who shall not, at the time of his appointment, be over twenty-five years of age and an actual resident in and a qualified voter of such City. No person shall be eligible to be a member of said board who holds any office of profit under the City, County, or State.

3. Board to make rules and regulations: The civil service board shall make rules and regulations to carry out the purpose of this article, and for examination, appointments and removals in accordance with its provisions and the board may, from time to time, make changes in the existing rules. The supervisors of each department shall, from the membership of their respective Departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the civil service board. The board may make rules and regulations relating to the eligibility for promotion. The supervisors of each Department shall have authority in their respective Departments to demote any member of the respective Departments by and with the consent and approval of the civil service board, provided however, that upon written demand filed with the civil service board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the civil service board before any order of demotion shall be final. The supervisors of each Department shall have authority to suspend any member of their respective Departments pending the hearing by the civil service board. In the event any vacancy shall occur in the supervisory position in any department such vacancy shall be filled by the civil service board. In the event there is reduction in the number of persons employed by such City, the man last employed shall be the first to be dropped, and so on in succession; provided that the number of persons needed to perform a specific duty in a department shall not thereby be reduced below the number which may from time to time be determined by the Mayor and Council of such City as needed in said department. The civil service board shall at any time, upon the request of the governing authority of the City of Albertville, shown by resolution, discharge from the City's employment the supervisor of any department or any number of employees of any department.

4. Application: All applicants for a place or position in any Department, as the case may be, shall file their application in writing with the civil service board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits, and

moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

5. Examinations: The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination.

6. Appointment: The supervisor of each Department concerned shall notify the civil service board of vacancies in their department, respectively, and the board shall furnish the respective supervisors with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the supervisors of each department, respectively, may, by and with the consent of the board, discharge any probationer in his respective Department upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

7. Emergency appointments: The civil service board may, in an emergency, or in cases where it deems proper, authorize the supervisors of each department to appoint for temporary service such number of persons as in the opinion of the Mayor and Council of such City the existing conditions demand.

8. Supervising Authority: Overall supervision of All City employees shall be vested in the Mayor of the City of Albertville and the titular heads of each department. Nothing in this act shall deprive the Mayor and City Council from establishing the policies and procedures of operations of each department for the best interest of the people of Albertville.

The Mayor shall issue such orders to the supervisors of each department as follows:

A. Police Department — To the Chief of said department or in the absence of the Chief, then to the next in command.

B. Fire Department — To the Chief of said department or in the absence of the Chief, then to the next in command.

C. Street Department — To the Street Superintendent or in the absence of the Superintendent, to the next in command.

D. Sanitation Department — To the Sanitation Superintendent or in the absence of the Superintendent, to the next in command.

9. Election of chairman: The civil service board shall elect one of their members as chairman who shall hold office as such chairman at the pleasure of the board. The civil service board shall hold regular meetings on the third Mondays in January, April, July and October for the transaction of business and may hold special, adjourned or called meetings at any time. All meetings of the board shall be held in the City Hall unless otherwise provided by said board.

10. Minutes to be kept: The civil service board shall keep minutes of their meeting and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the supervisors of each department, and any member of City Council or other governing body of such City in which same may exist.

11. Compensation: The compensation of the civil service board shall be twenty-five dollars for each member for each meeting attended, not to exceed for each member five hundred dollars per annum. The Mayor and Council, or other governing body of such City shall provide for the salaries and expenses of the civil service board, and shall provide in the annual budget of the City of Albertville an estimated appropriation sufficient to cover the salaries and expenses of such board.

12. Political recommendations: No recommendation by any officer or official, whether said officer or official be a City, County, State or National officer or official, shall be considered by any person concerned in any examination or appointment under this article, except as to the general moral character of the applicant.

13. Violations: Any person in the service of the City by appointment under civil service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this article, and who shall be found guilty after a trial before the civil service board shall be dismissed from the service of the City, and shall not be subject to reappointment for two years. Any officer or employee of the City other than those holding office under the civil service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this article, shall be guilty of a misdemeanor, and on conviction shall be fined a sum not less than fifty dollars, nor more than two hundred dollars, unless same be otherwise provided therein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not

again be allowed to hold any office or place of employment under the City thereafter for four years. Any other person who shall wilfully, or through culpable negligence, violate any of the provisions of this article shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding two hundred dollars.

14. Application to present members: Every member of each City Department of the City of Albertville coming within the provisions of this article, who was such member on the day upon which this Code goes into effect, shall retain his position without examination, and be subject to all the conditions and benefits of this subdivision.

15. Ineligibles: No person shall be eligible to take the civil service examination or to appointment as a member of any Department of the City of Albertville coming within the provisions of this article who is not a citizen of the United States or who has ever been convicted of a felony, or who does not possess a good moral character.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 205 H. 112—Owens

AN ACT

Relating to Bibb County; to provide for the issuance and execution of search warrants in said county by a local magistrate, based on probable cause, so as to provide further for the issuance and the execution of such search warrants within said county; and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Bibb County, if a local magistrate is satisfied of the existence of the grounds of the application, or there is probable cause to believe their existence, he must issue a search warrant signed by him, directed to the sheriff or any constable of the county or to any state trooper within his jurisdiction, commanding him forthwith to search the person or place named for the property specified, and to bring it before the magistrate.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 206 H. 180—Carter, Moore (W)

AN ACT

To amend the title and Section 1 of Act No. 28, H. 33, 1975 Fourth Special Session (Acts of 1975), providing that the State Department of Revenue shall collect all gasoline taxes levied in counties of not less than 41,500 nor more than 45,000; so as to change the population brackets.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 28, H. 33, 1975 Fourth Special Session (Acts of 1975) is hereby amended to read as follows:

"An Act Relating to counties having a population of not less than 41,750 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

"Section 1. In counties having a population of not less than 41,750 nor more than 45,000 inhabitants according to the most recent federal decennial census, the State Department of Revenue is hereby authorized and directed to collect all taxes levied by such counties upon the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such counties of gasoline, naptha and other liquid motor fuels or any substitute therefor, commonly used in internal combustion engines.

"The State Department of Revenue is hereby further authorized to recover all costs of collecting such taxes from the proceeds of such taxes collected, and said Department is further

authorized to promulgate such rules and regulations as are necessary to facilitate the collection of said gasoline taxes in said counties."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 207 H. 277—Folmar

AN ACT

To prescribe the compensation of members of the Board of Commissioners of the City of Troy in Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. The President of the Board of Commissioners of the City of Troy shall receive a salary of Three Thousand Seven Hundred Dollars per annum and each of the other members of the Board of Commissioners of said City shall receive a salary of Three Thousand Dollars per annum.

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective immediately after the expiration of the term of office of the member of the Board of Commissioners of the City of Troy whose term first expires.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 208 H. 288—McNees

AN ACT

To amend further Section 1 of Act No. 342, H. 809, Regular Session 1969 (Acts 1969, p. 713), as amended, which regulates further nighttime hunting in certain counties of the state classified on a population basis; providing for the taking, catching or killing of raccoons and o'possums during nighttime hours, but only under certain conditions and with certain kind of gun and ammunition in such counties, when authorized by a rule of the director of conservation; and providing penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 342, H. 809, Regular Session 1969 (Acts 1969, p. 713), as amended, is further amended to read as follows:

"Section 1. This act shall apply only in counties having populations, according to the most recent federal decennial census of: not less than 16,245 nor more than 16,300; not less than 16,600 nor more than 16,950; not less than 22,575 nor more than 23,800; not less than 50,000 nor more than 52,500; not less than 55,500 nor more than 56,500; not less than 14,000 nor more than 15,000."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 209 H. 421—Venable, Plaster

AN ACT

Relating to Elmore County, providing for fees for certain services rendered by the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff's department of Elmore County is hereby authorized and shall charge the following fees for the following services:

CIVIL DIVISION

Serving Summons and Complaint	$ 3.50
Levying Attachment	$ 6.50
Seizing Property — Detinue	$ 6.00
Approving Bonds	$ 4.00
Garnishment Writ	$ 3.00
Subpoenas, each	$ 1.50
Serving Contempt Attachment	$ 3.00
Collecting Execution for Cost	$ 3.00
Serving Writ of Possession	$10.00
Making Deed to Property Sold	$ 5.00
Mileage, per mile	$.20

CRIMINAL DIVISION

Executing Writ of Arrest	$10.00
Committing Prisoner to Jail	$ 5.00

Serving Subpoenas, each, Grand Jury	$ 1.50
Serving Subpoenas, each, Trial	$ 1.50
Mileage Executing Warrant, each	$.20
Serving scire facias, each	$ 2.00
Collecting Execution for Cost	$ 3.00
Finger Printing	$ 2.00
Approving Bond	$ 4.00
Summoning Jury in Capital Cases	$10.00

All fees collected according to the table above shall be transferred to the county general fund.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 210 H. 472—McCluskey

AN ACT

To amend Section 1 of Act No. 171, H. 408, 1973 Regular Session (Acts of 1973, p. 214), entitled "Relating to all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; authorizing the county governing body of each of such counties to provide for employment of clerical assistance for the tax assessor, whose compensation is payable out of county funds," so as to increase the compensation of the clerical assistance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 171, H. 408, 1973 Regular Session (Acts of 1973, p. 214), is hereby amended as follows:

"Section 1. The court of county commissioners, board of revenue, or other like governing body in all counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census, may provide for employment of clerical assistance by the tax assessor, whose compensation shall be paid from the county treasury; but the total amount provided the tax assessor shall not exceed $6,000 a year and shall be payable in monthly installments."

Section 2. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 211 H. 522—Cates

AN ACT

Relating to all counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census, no general, special or local law of this state shall prevent any cosmetology student from working in any beauty shop so long as such student performs his work or duties strictly under the supervision of a licensed cosmetologist and does not hold herself out to the public to be other than a student or trainee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 212 H. 523—Cates, Wyatt

AN ACT

Relating to all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census; to provide that cosmetology students may work in beauty shops under the supervision and control of licensed cosmetologists.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 13,000 nor more than 13,250, according to the most recent federal decennial census, no general, special or local law of this State shall prevent any cosmetology student from working in any beauty shop so long as such student performs his work or duties strictly under the supervision of a licensed

cosmetologist and does not hold herself out to the public to be other than a student or trainee.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 213 H. 614—McNees

AN ACT

Relating to all counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; providing an additional expense allowance for the use of the tax collector, payable out of the general funds of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to those counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decenniaal census.

Section 2. The tax collectors in such counties shall receive in addition to all other compensation or expense allowances, heretofore provided by law, six hundred dollars ($600.00) per year for expenses, which amount shall be payable out of the general fund of such counties in equal monthly installments.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutitonal, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 214 H. 635—Jolly, Brindley

AN ACT

To permit hunting of deer with dogs in all counties having a

population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Sectiton 1. The provisions of this act shall apply to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent or any subsequent federal decennial census.

Section 2. Any rule or regulation of the Department of Conservation notwithstanding, deer may be hunted during any open deer-hunting season in such county by the use or aid of dogs.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 215 H. 625—Sparks, Crowe

AN ACT

Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide that the district judge in such counties may employ a secretary and to establish her salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. The district judge in all counties to which this act applies may employ a secretary who shall be paid a salary of $700 per month out of the county general fund.

Section 3. The provisions of this act shall become effective January 16, 1977.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 216 H. 626—Sparks, Drake

AN ACT

Relating to Cullman County; to provide that all association or corporations organized for the purpose of operating waterworks in unincorporated areas shall be exempt from any utilities gross proceeds or similar type tax.

Be It Enacted by the Legislature of Alabama:

Section 1. All associations or corporations organized and operating in Cullman County for the purpose of operating waterworks for unincorporated areas shall be exempt from any utilities gross proceeds or similar type tax.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 217 H. 696—Crawford, Sasser

AN ACT

To amend the title and Section 1, Section 2, and Section 3 of Act No. 521, H. 1265, Regular Session, 1973 (Acts 1973, Page 762), which authorizes the County Commission to pay the salaries of clerks for the Tax Assessor and the Tax Collector in certain Counties classified on a population basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 521, H. 1265, Regular Session, 1973 (Acts 1973, Page 762) is amended to read as follows:

"AN ACT RELATING to all counties having populations of not less than 13,200 nor more than 13,800, according to the most recent Federal decennial census; to authorize the governing body of each County to pay the salaries of clerks for the Tax Assessor and the Tax Collector of the County."

Section 2. Section 2 of said Act No. 521, H. 1265, is amended to read as followss:

"Section 2. The governing bodies of all Counties in this State having populations of not less than 13,200 nor more than 13,800, according to the most recent Federal decennial census

are authorized to pay out of the General Fund of their respective County treasuries the salaries of a Clerk for the Tax Assessor and a Clerk for the Tax Collector. Such clerks shall be appointed by the Tax Assessor and the Tax Collector, respectively. The Tax Assessor shall fix his (or her) clerk's salary and the Tax Collector shall fix his (or her) clerk's salary; however, neither Clerk's salary may be fixed at more than $7,200.00 per annum, and shall be paid in regular, equal monthly payments."

Section 3. Section 3 of said Act No. 521, H. 1265, is amended to read as follows:

"Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 218 H. 732—Venable, Plaster

AN ACT

Relating to Elmore County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Elmore County; repealing conflicting laws; and prescribing the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. On and after October 1, 1979, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Elmore County before such date, then immediately upon the occurrence of such vacancy there shall be the office of county revenue commissioner in Elmore County. If such office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he was elected tax assessor or tax collector, as the case may be. A revenue commissioner shall be elected in the general election in Novmber 1978 and in the general election every six years thereafter. He shall serve for a term of office of six years from the first day of October next succeeding his election and until his successor is similarly elected, qualified and takes office.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law to be performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of such taxes, the keeping of records and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission or other like governing body of the county, the county revenue commissioner shall appoint and fix the duties and compensation of a sufficient number of deputies, clerks and assistants to perform properly the duties of his office. The acts of deputies shall have the same force and legal effect as if performed by the county revenue commissioner himself.

Section 4. Before entering upon the duties of his office the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in such sum as may be fixed by the county commission or like governing body of the county, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned as other official bonds are conditioned and shall be approved by and filed with the judge of probate. The cost of the bond required herein shall be paid out of the general funds of the county on warrant of the county commission or other like governing body of the county, and shall be a preferred claim against the county.

Section 5. The county commission or other like governing body of the county shall provide the necessary offices for the county revenue commissioner in the courthouse, and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions and other allowances which the tax assessor, the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of any duty imposed by law on any such officers and hereby transferred to and imposed on the county revenue commissioner. As compensation for the performance of the duties of his office the salary of $17,500.00, payable in equal monthly installments out of the general fund of the county.

Section 7. The offices of tax assessor and tax collector of Elmore County are hereby abolished effective on October 1, 1979, or on such earlier date as is prescribed in Section 1 hereof

if vacancy occurs in either the office or tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Elmore County by consolidating the offices of tax assessor and tax collector of such county into one county office.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this act are repealed.

Section 11. The provisions of this act shall become operative in Elmore County, only if they are first approved by a majority of the qualified electors of said county who vote thereon in a referendum election. Said concurrent with the general election to be held in November, 1976 at which time the question shall be submitted substantially as follows:

Shall Act No. of the Session of the Legislature (here insert the number of this act) which provides for the abolition of the offices of tax assessor and tax collector of Elmore County and the conslidation of the duties of these officers into the one office to be known as the county commissioner of revenue, be approved?
..... Yes. No.

If a majority of the votes cast at such election are "Yes" votes, then this act shall become effective as provided above. If a majority of the votes cast are "No" votes, this act shall have no further force or effect. The referendum election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. Notice of the election to be given by the county commissioners of Elmore County. Such notice shall be published once a week for three successive weeks before the day of the election. The judge of probate shall also certify the result of the election to the Secretary of State immediately after the returns have been certified.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 219 H. 95—Turnham, Higginbotham

AN ACT

TO DESIGNATE BY NUMBER THE VARIOUS PLACES UPON THE GOVERNING BODY, TO FIX AND STAGGER THE TERMS OF OFFICE OF SUCH PLACES, AND TO PROVIDE FOR ELECTION TO EACH, AND TO FIX THE TERM OF OFFICE AND PROVIDING FOR THE ELECTION OF THE MAYOR IN ALL CITIES HAVING A POPULATION OF NOT LESS THAN 22,000 NOR MORE THAN 25,000 ACCORDING TO THE 1970 OR ANY SUBSEQUENT FEDERAL DECENNIAL CENSUS.

Be It Enacted by the Legislature of Alabama:

Section 1. At the regular municipal election to be held in all cities having a population of not less than 22,000 nor more than 25,000 according to the 1970 or any subsequent federal decennial census, on the second Tuesday of August, 1980, there shall be elected a Mayor and nine (9) Aldermen, including the President of the City Council, eight (8) of whom are to be elected from the four (4) wards of the City, two (2) from each ward.

Section 2. The offices of Aldermen of said cities are hereby designated by number as follows:

Alderman from the First Ward of the City, Place Number One;

Alderman from the First Ward of the City, Place Number Two;

Alderman from the Second Ward of the City, Place Number One;

Alderman from the Second Ward of the City, Place Number Two;

Alderman from the Third Ward of the City, Place Number One;

Alderman from the Third Ward of the City, Place Number Two;

Alderman from the Fourth Ward of the City, Place Number One;

Alderman from the Fourth Ward of the City, Place Number Two.

Section 3. At the said regular municipal election to be held in said cities on the second Tuesday in August, 1980, there shall be elected a Mayor, a President of the City Council, and an Alderman for each place of each ward whose terms of office shall be as follows:

Mayor and Place Number One Alderman from each ward, four (4) years;

President of the City Council and Place Number Two Alderman from each ward, two (2) years.

Section 4. Following such regular municipal election in 1980, there shall be held in said cities, each two (2) years thereafter, on the second Tuesday in August, a general municipal election for the purpose of filling the positions on the said cities' governing bodies which become vacant during the year of the election by expiration of the term of office. The term of each such official elected in each regular municipal election subsequent to said election held in 1980 shall be for four (4) years.

Section 5. At all of the elections provided for herein, the various places on the Council to be filled by such elections shall be designated by the proper number on ballots used at such elections, and each candidate shall, at the time he files his statement of candidacy as required by the laws of the State of Alabama, designate in said statement of candidacy the number of the place he seeks, or if the office sought by the candidate is that of Mayor or President of the City Council, said office shall be designated by name. No person shall be a candidate for more than one (1) position during any election.

Section 6. Except as otherwise provided herein, all elections held under the provisions of this act shall be held in accordance with the general municipal election laws of the State of Alabama pertaining to the mayor-council form of government, and the persons elected at such elections shall assume the duties of their respective offices on the first Monday in October following such election. In the event a run-off election is necessary, said run-off election shall be held in accordance with the provisions of Title 37, Section 34 (16), Code of Alabama (1940) recompiled 1958, as amended.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part or parts which remains or remain.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 220 S.J.R. 95—Bank

SENATE JOINT RESOLUTION

COMMENDING DR. JOHN STROCK BICKLEY FOR HIS MANY IMPROVEMENTS AND CONTRIBUTIONS TO THE FIELD OF INSURANCE.

WHEREAS, Dr. John S. Bickley has distinguished himself in the field of insurance as a member and president in 1961 of the American Risk and Insurance Association, as a member of the Insurance Company Education Director's Society, the American Economic Association, the American Finance Association, and the International Society of Insurance Law; and

WHEREAS, Dr. Bickley has taught in various capacities at many different universities including instructor in insurance at the University of Alabama, assistant in social insurance at the University of Wisconsin, chairman of the Department of Finance at the University of Texas at Austin, professor of insurance at Ohio State University, and in additional positions at other colleges throughout the nation; ond

WHEREAS, Dr. Bickley also gained much recognition in insurance as the Frank Park Samford Chair of Insurance in Alabama, as founder, director general and elector of the Insurance Hall of Fame; as founder and permanent chairman of the board of directors of the International Insurance Seminars, Inc.; as first executive secretary of the Griffith Foundation for Insurance Education; and as founding chairman of the Committee on Property and Liability Insurance Terminology; and

WHEREAS, he has further assumed responsibility as director of the Columbus Mutual Life Insurance Company; director and member of the Investment Committee, Board of Pensions, Lutheran Church of America; a charter member of The Chancellor's Council of The University of Texas System; and as a member of the Senate Forum at the University of Alabama; and

WHEREAS, Dr. John S. Bickley, who is listed in Who's Who in the World and Who's Who in America, is the first recipient of The John S. Bickley Founders Award for Excellence, which is granted by the International Insurance Seminar, Inc.; and

WHEREAS, Dr. Bickley is responsible for student insurance societies in Alabama, Ohio and Texas; and

WHEREAS, his involvement in insurance reaches into England, Greece, Japan, Republic of China, France and many other

countries all over the globe where he has given speeches, written papers, lectured and advised; and

WHEREAS, Dr. Bickley has established round-table discussions with prominent men from leading insurance companies in order to foster new ideas and methods in insurance marketing and management; and

WHEREAS, Dr. Bickley has made innumerable contributions and significant improvement to insurance practice and education; and

WHEREAS, his hard work and dedication to insurance should stand as an example for all insurance men to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dr. Bickley for his many achievements and accomplishments in the field of insurance and wishes him future success in his insurance work.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. John S. Bickley and to Mr. Howard Blasch.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 221 S.J.R. 73—Fine

SENATE JOINT RESOLUTION

URGING THE ENVIRONMENTAL PROTECTION AGENCY TO AFFORD THE MAXIMUM EXTENSION ON ITS CLOSING ORDER TO THE OPEN-HEARTH FACILITIES AT THE U.S. STEEL SITE IN ENSLEY.

WHEREAS, the U. S. Environmental Protection Agency has denied the request of U. S. Steel to grant an extension on closing the two remaining operational open-hearth furnaces at Ensley; and

WHEREAS, these open-hearth facilities are operated and maintained by several hundred members of Local Union No. 1489, U. S. Steel Workers; and

WHEREAS, the closing of these facilities in this manner would force in excess of 400 skilled Alabamians into the ranks of the unemployed; and

WHEREAS, a substantial portion of these workers require

a relatively brief span of work in order to fully participate in retirement pensions; and

WHEREAS, similar site in Youngstown, Ohio, to which a closing order was extended, has been granted temporary operations privileges by the EPA for a period of up to one year; and

WHEREAS, it is the opinion of this body that the effect on air quality standards produced by continued operation of this facility is insignificant in comparison to the severe economic difficulties which would result from the June 30, 1976 closing, and

WHEREAS, the granting of the extension would be in the best interest of the people of this state and specifically the economic well being of the city of Ensley; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body urge the Environmental Protection Agency to afford the maximum extension on its closing order to the open-hearth facilities at the U. S. Steel site in Ensley.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Honorable Russell E. Train, Administrator, EPA, Washington, D. C. and Jack Ravan, Regional Director, Environmental Protection Agency, Atlanta, Georgia, and Mr. Howard Strevel, Director, District 36, U.S. Steel Workers.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 222 S.J.R. 9—McDonald (A), King, Baker

SENATE JOINT RESOLUTION

NAMING THE OVERPASS BRIDGE AT BOB WALLACE AVENUE IN HUNTSVILLE, ALABAMA THE "DISABLED AMERICAN VETERANS BRIDGE."

WHEREAS, this Legislature desires to honor the disabled American veterans of foreign wars; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass bridge in Huntsville, Alabama located at the intersection of Memorial Parkway and Bob Wallace Avenue be named the "Disabled American Veterans Bridge."

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 223 S.J.R. 43—Waldrop

SENATE JOINT RESOLUTION

NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

WHEREAS Mr. Lewis W. Fowler was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mr. Lewis W. Fowler was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS Mr. Fowler was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS Lewis Fowler was a man of many talents who contributed much to his state and to his community, who never shunned responsibility, but rather spearheaded numerous and worthwhile endeavors; and

WHEREAS Mr. Fowler was instrumental in the creation of Gadsden State Junior College and for its being located in Gadsden, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Resident Hall at Gadsden State Junior College be henceforth named the Lewis W. Fowler Building, as a fitting tribute to the significant contributions he made toward the development of the college.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Fowler.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 224 S.J.R. 22—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Jones, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert,

Vacca, Waldrop, Wilson,
Lt. Governor Beasley

SENATE JOINT RESOLUTION

NAMING ALABAMA HIGHWAY 22 IN DALLAS, COUNTY, THE "WALTER C. GIVHAN HIGHWAY."

WHEREAS, Walter C. Givhan served with distinction in the Alabama Legislature for thirty-eight years, serving his sixth term in the Senate at the time of his death and having served five terms in the House of Representatives; and

WHEREAS, during his terms of service in the Legislature, Walter C. Givhan served the counties of Autauga, Bibb, Dallas, Greene, Hale, Lowndes, Marengo, Perry, Sumter, and Wilcox; and

WHEREAS, Walter C. Givhan spent much of his adult life in an area through which Alabama Highway No. 22 runs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all that portion of Alabama Highway No. 22 running east and west in Dallas County is designated as the "Walter C. Givhan Highway," and the state highway department is authorized and directed to erect and maintain appropriate signs or markers designating this portion of highway as above provided.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 225 H. 615—Hines, Warren

AN ACT

Relating to all towns having a population of not less than 109 nor more than 114 according to the 1970 or any subsequent federal decennial census, in any county having a population of not less than 34,875 nor more than 36,000 according to the most recent federal decennial census; to provide that any town to which this act applies may establish closing hours for places selling alcoholic beverages within its limits.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all towns having a population of not less than 109 nor more than 114 according to the most recent federal decennial census, in any county having a population of not less than 34,875 nor more than 36,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The governing body of any town to which this act applies shall be authorized to set closing hours for any place where alcoholic beverages are sold, or offered for sale, to the public within its municipal limits; providing that the provisions of this act shall not affect the hours established for state liquor stores.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 226 H. 650—McCorquodale

AN ACT

Relating to any county having a population of not less than 26,000 nor more than 26,800 inhabitants, according to the 1970 or any subsequent federal decennial census; providing that the governing body of each such county shall pay the expenses incurred by its Judge of Probate for membership in his state and national organization, and for attendance upon state or national conferences, schools or other functions pertaining to his office, including expenses of attending such functions incurred by personnel in his office.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to any county having a population of not less than 26,000 nor more than 26,800 inhabitants, according to the 1970 or any subsequent federal decennial census.

Section 2. The Judge of Probate of each county to which this act shall apply shall be entitled to receive from the county treasury payment for expenses, including, but not limited to, membership dues and other expenses, incurred in attending state or national conferences, schools, and other functions attended by said judge pertaining to his official position of Judge of Probate, including expenses incurred by personnel in the office of the Judge of Probate for attending the same type schools and conferences, which payment shall be in addition to all other compensation and allowances now provided by law. Such payments shall be paid on warrants approved by such County

Commissions or governing bodies of such counties on any funds in the county treasury not otherwise appropriated.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 227 H. 49—Killian

AN ACT

Relating to DeKalb County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in DeKalb County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to DeKalb County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act shall be known and may be cited as "The Little River Canyon Preservation Act of 1976".

Section 2. Declaration of Public Policy and Legislative Intent. It is the finding of this legislature that Little River Canyon and the surrounding area is one of the most extraordinary natural areas in the Southeastern United States. Little River is reported to be the only river in the United States that has its origin and much of its flow along the top of a mountain. The scenic beauty of Little River and the execptionally good water quality of Little River, the West Fork of Little River, the East Fork of Little River and their tributaries make the area a major tourist attraction and recreational area for the state. This legislature therefore declares that it is the policy of this state to protect Little River Canyon and the waters flowing into the Canyon from any and all mining activities that may harm or detract from the scenic and recreational value of this area. Particular concern is expressed for the emerging surface mining activities that are near the Canyon area. This Act shall be deemed an exercise of the police powers of the

state for the welfare of the people of Alabama, to provide for the protection of Little River Canyon from improperly conducted mining activities in order to insure that this generation and future generations of Alabamians can enjoy the beauty of this natural area.

Section 3. Definitions. The following words and phrases shall have the following meanings: "Commission" shall mean the Little River Canyon Preservation Commission; "Operator" shall mean any person, firm, corporation, partnership, or any other entity conducting surface mining; and "Regulated area" shall mean the land area in DeKalb County two miles out from the banks of the Little River, West Fork of Little River and East Fork of Little River.

Section 4. The Little River Canyon Preservation Commission

(1) There is hereby created and established the Little River Canyon Preservation Commission for the purpose of implementing and enforcing this Act and carrying out its intent and policy.

(2) The Commission is to be composed of seven (7) members including:

(a) the Chairman of the DeKalb County Commission;

(b) the Health Services Administrator of the DeKalb County Health Department:

(c) one resident of DeKalb County who, by reason of his education, training, and experience can be classed as an expert in soil conservation;

(d) one resident of DeKalb County who, by reason of his education, training, and experience can be classed as one capable and experienced in the technology of earth grading, removal, and movement;

(e) one resident of DeKalb County who is an attorney, duly licensed to practice law in the State of Alabama; and

(f) two landowners who are residents of DeKalb County and the regulated area.

(3) The soil conservation expert, the earthgrading and removal expert, and the attorney, during the period of their service on the Commission, may not be an agent, officer, stockholder, employee, independent contractor, or attorney of a coal company or surface mining company, nor may they, their spouses, or dependents have any monetary interest in the operation of a surface mining company or a coal company.

(4) The Chairman of the DeKalb County Commission and

the Health Services Administrator of the DeKalb County Health Department shall serve on the Commission in an ex-officio capacity. The remaining members shall be appointed by the DeKalb County Commission for terms not to exceed the terms of the appointing officials. Members may be eligible for re-appointment in the discretion of the DeKalb County Commission.

(5) All members of the Commission shall serve in said capacity without compensation.

(6) The Commission shall elect one of its members chairman, who shall be responsible for calling meetings of the Commission. Rules shall be promulgated by the Commission which shall provide reasonable notice of meetings to all members. A majority of the members of the Commission shall constitute a quorum. The Commission shall further adopt rules for its operation and management.

(7) The Commission shall have all powers necessary to accomplish its duties under this Act, including the power to promulgate any regulations necessary to implement the purpose and provisions of this Act.

(8) The DeKalb County Commission is authorized to provide funding for clerical assistants and for the operation of the Commission. The Little River Canyon Preservation Commission is authorized to receive funds from the county and from any other source. The Commission or its duly authorized representative shall disburse such funds to carry out its duties and may also disburse funds for reclamation of land within Little River Canyon and the regulated area and to make any other improvements to enhance the environmental well-being of the area.

(9) The Commission is authorized to study and investigate all problems concerned with the protection of Little River Canyon, the regulated area, and the waters within the regulated area.

(10) Any member of the Commission or its representative may enter upon any regulated lands at any reasonable time for the purpose of inspection to determine whether the provisions of this Act are being complied with.

Section 5. Permitting of Surface Mining Activities.

(1) Before any surface mining activity can be conducted within the regulated area, as defined by this Act, a permit must be obtained from the Little River Canyon Preservation Commission.

(2) (a) In order to obtain a permit for coal surface mining within the regulated area, an operator must submit to the Commission the following: a copy of its permit and license

application, reclamation plan, maps, and other information prepared for the Alabama Surface Mining Reclamation Commission; a copy of the license and permit granted by the Alabama Surface Mining Reclamation Commission; a copy of the permit application submitted to the Alabama Water Improvement Commission; and a copy of the permit granted by the Alabama Water Improvement Commission.

(b) In order to obtain a permit for surface mining of any substance other than coal within the regulated area, an operator must submit to the Commission the following: a copy of its permit application and related information prepared for the Department of Industrial Relations; a copy of the permit granted by the Department of Industrial Relations; a copy of its application and related information submitted to the Alabama Water Improvement Commission; and a copy of the permit granted by the Alabama Water Improvement Commission.

(3) Upon receiving a permit application, the Commission shall review the information listed in Subsection 2. It may consult with the Alabama Surface Mining Commission, the Alabama Water Improvement Commission, the Department of Industrial Relations, or any other local, state, or federal agency or private source to obtain further information as to the impact that the surface mining activity will have upon Little River Canyon, the Little River, the West Fork of Little River and the East Fork of Little River.

(4) The Commission shall deny the permit if it determines that the proposed surface mining activity in the regulated area will present danger to the physical integrity of Little River Canyon and the water quality of Little River, its West Fork and its East Fork. Otherwise, the permit shall be granted.

Section 6. Supplemental Reclamation Requirements.

The following reclamation requirements are to supplement the requirements for reclamation found in the "Alabama Surface Mining Reclamation Act of 1975" and the "Alabama Surface Mining Act of 1969". The Alabama Surface Mining Reclamation Commission and the Department of Industrial Relations are prohibited from returning any portion of the bond for performance, required in Section 15 of the "Alabama Surface Mining Reclamation Act of 1975" and in Section 9 of the "Alabama Surface Mining Act of 1969" that is posted by an operator of a surface mining activity in the regulated area, until the Little River Canyon Preservation Commission certifies that the additional requirements listed in or promulgated pursuant to this Act have been met.

While mining and reclaiming, an operator shall:

(1) Remove the topsoil from the land in a separate layer and segregate the topsoil in a separate pile until needed so that the soil is kept in a usable condition for sustaining vegetation, unless other soil placement procedures or soil conditioning, as may be necessary to better establish and maintain vegetation in the area of land affected, have been approved by the Little River Canyon Preservation Commission;

(2) Cover immediately with nontoxic material any toxic material, roof coal, pyritie shale, or other material known to be acid producing, toxic, or creating a fire hazard, and bury such toxic material under adequate fill;

(3) Replace the topsoil which has been segregated, unless the Commission has approved or required other soil placement or soil conditioning, including the application of soil amendments, as necessary to sustain vegetation, in which case such procedures shall be followed.

The Little River Canyon Preservation Commission is authorized and may promulgate any other rules and regulations pertaining to surface mining and reclamation that it determines necessary to insure that the "regulated area" will be returned to a natural condition of an equivalent or higher environmental quality that before surface mining was commenced.

Section 7. Elimination of Highwalls. The Alabama Surface Mining Reclamation Commission and the Department of Industrial Relations are prohibited from returning any portion of the bond for performance, required in Section 15 of the "Alabama Surface Mining Reclamation Act of 1975" and in Section 9 of the "Alabama Surface Mining Act of 1969" that is posted by an operator of a surface mining activity in DeKalb County, until the operator backfills with spoil material any highwall created during the mining operation. The highwall must be completely covered and the site must be returned to the approximate original contour and the slope must be capable of maintaining stability following mining and reclamation. In covering the highwall, the operator is to avoid disturbance of land above the top of the highwall, unless the Little River Canyon Preservation Commission finds that such disturbance is necessary for adequate elimination of the highwall. Provided, however, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate compliance.

Section 8. Blasting. In order to prevent injury to persons or property or damage to geological formations as found in Little River Canyon, the use of explosives in DeKalb County for the purpose of blasting in connection with surface mining shall be done in accordance with regulations promulgated by the Commission.

Section 9. Setback Requirements. No surface mining shall be permitted within 1,000 feet of the rim of Little River Canyon or within 1,000 feet of that portion of Little River not flowing through Little River Canyon or 1,000 feet from the East Fork of Little River or the West Fork of Little River. Nor shall surface mining be permitted within 100 feet of any stream within the regulated area of such additional distance deemed necessary by the Commission to protect water quality.

Section 10. Violation of Act.

(1) Whenever the Commission has cause to believe that any operator is violating any provision of this Act, or any rules or regulations promulgated, pursuant to this Act, or any rule or regulation promulgated pursuant to these laws, the Commission shall cause a prompt investigation to be made in connection therewith. If upon inspection the Commission or its duly appointed representative discovers a condition which is in violation of the provisions of this Act or any rule or regulation promulgated pursuant thereto, the Commission or its duly appointed representative shall be authorized to order such violation to cease and take such steps necessary to enforce such an order. The said order shall state the items which are in violation and shall provide a reasonable specified time within which the violation must cease. The person responsible shall make the corrections necessary to comply with the requirements of this Act or rule or regulation promulgated pursuant thereto within the time specified in the order. Nothing herein shall be deemed to prevent the Commission, the Attorney General, or the District Attorney of the 9th Judicial Circuit from prosecuting any violation of this Act or any rule or regulation promulgated pursuant thereto notwithstanding that such violation is corrected in accordance with any order.

(2) Any person aggrieved by an order of the Commission under this Act may, upon application made within 15 days after notice thereof, be entitled to a hearing before the Commission which shall within 30 days thereafter hold a hearing of which at least 15 days written notice shall be given to such persons. Within 30 days after such hearing the Commission shall issue an appropriate order modifying, approving, or disapproving its order. A copy of such order shall be served upon all interested parties. Pending the determination by the Commission and upon application therefor the Commission may stay the operation of such order upon such terms and conditions as it may deem proper. The testimony taken at any hearing shall be under oath and recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of laws and equity. True copies of any transcript and of any other record made of or at such hearing shall be furnished to any

party thereto upon request and at his expense. Any hearing required by this Act to be held before the Commission shall be held before a hearing officer designated by the Chairman who shall have power to subpoena witnesses and compel their attendance, administer oaths, and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The Commission, at the request of any interested person, may subpoena and compel the attendance of such witnesses as such person may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

(3) Any duly designated representative of the Commission may administer oath to witnesses and may conduct hearings or investigations and any such duly designated representative of the Commission may sign and issue subpoenas requiring persons to appear before him or the Commission and the Commission, through its designated officers, shall have the power to serve said subpoenas upon any such person by sending a copy of such subpoena through the United States mail, postage prepaid, which said mail shall be registered with return receipt attached and such service shall be complete when said registered mail shall be delivered to said person and such receipt returned to the Commission or its designated representative, signed by the person sought to be subpoenaed. Obedience to a subpoena issued by the Commission or any person authorized and designated by the Commission to issue said subpoena may be enforced by application to any judge of the Circuit Court of the county in which said subpoena was issued or to the judge of any Circuit Court in which such person subpoenaed resides in the same manner as is provided by law for the grand jury of a county to enforce its subpoenas and with the same penalty as provided therefor for the failure of any person failing or refusing to comply with such subpoena.

(4) Any person who violates any provision of this Act, or any rule or regulation adopted by the Commission, or any order which has been issued by the Commission as provided for in this section, shall be liable to a penalty of not less than $100.00 nor more than $10,000.00 for said violation which may be recovered in a civil action in the Circuit Court. Each and every day during which such violation continues shall constitute a separate violation for purposes of this subsection. It shall be the duty of the Commission and the Attorney General or any District Attorney of the 9th Judicial Circuit to commence such actions to recover said penalties. The issuance of an order shall not be a condition precedent to the commencement of any action under this section; however, when an order has been issued, the alleged violator shall be afforded an opportunity to be heard

upon said order as provided herein before any action is commenced hereunder. All penalties recovered are to go to the Commission to be used as directed in Section 4 (5).

(5) The Commission and the Attorney General or the District Attorney of the 9th Judicial Circuit may commence a civil action for damages for environmental degradation done to Little River Canyon or to Little River, West Fork of Little River or East Fork of Little River, resulting from the wrongful act, omission, or negligence of a person. Such suits may be filed in the name of the Little River Canyon Preservation Commission in the Circuit Court of the 9th Judicial Circuit. Both punitive and compensatory damages may be recovered in a case where environmental degradation resulted from willful or wanton conduct on the part of the defendant; compensatory damages alone may be awarded when the environmental degradation is caused by a negligent act or omission. Should a verdict for damages be obtained in any such action, the court shall also assess and tax as costs against the defendant all reasonable costs incurred by the particular department or agency which investigated the degradation in such action. Such costs, as testified to by sworn affidvait, shall be paid over by the court to that department or agency which performed the investigation.

(6) The Commission and the Attorney General or the District Attorney of the 9th Judicial Circuit may bring suit to enjoin any actual or threatened violation of any provision of this Act or violation of any rule, regulation, or order made hereunder.

Section 11. Present Operators Exempt from Requirements. Any properly licensed and authorized surface mining being carried on prior to May 1, 1976, is not subject to the provisions of this Act. If a surface mine operator renews his permit with a state regulatory agency or obtains a new permit from such agency to expand his present operation, the newly permitted surface mining operation becomes subject to the requirements of this Act.

Section 12. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Repealer. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 228 H. 679—Dial

AN ACT

Relating to all counties having a population of not less than 12,000 nor more than 12,800 inhabitants according to the 1970 or any subsequent federal decennial census; providing the boards of registrars in such counties must go to all high schools annually for the purpose of voter registration and requiring the boards to give advance notice of the dates thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to those counties having a population of not less than 12,000 nor more than 12,800 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The board of registrars in such counties shall go to all high schools within its county boundaries at least once annually for the purpose of registering voters.

Section 3. The board of registrars in such counties shall give at least ten days notice by causing advertisement to be published in all newspapers of general circulation in the county, stating the time, date and place they will meet. The expense of such advertisement shall be paid out of the county general fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 229 H. 551—Dial, McCluskey, Teague, Moore (O)

AN ACT

Relating to counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the 1970 or any subsequent federal decennial census, adding one member to the board of registrars and requiring certain annual meetings of the board in any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this bill shall apply to counties having a population of not less than 65,000 nor more than 68,000

inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county board of registrars of any county to which this act applies shall hereby be increased by one member who shall be appointed in the same manner, for the same term, and shall be subject to the same duties and responsibilities and shall receive the same compensation as other members of such boards.

Section 3. The county board of registrars of any county to which this act applies shall be required to meet and register voters as follows:

(a) ½ day each year in each high school of the county;

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 230 HJ.R. 278—Warren, Drake, McCorquodale, Turnham, Cooper, Andrews, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan,

McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT G. (BOB) KENDALL, JR.

WHEREAS, the Alabama Legislature has noted with a sense of profound regret and deep personal loss the untimely death of Robert G. (Bob) Kendall, Jr. on July 17, 1976; and

WHEREAS, Bob Kendall served the people of Alabama with uncommon dedication and love and a recital of his many contributions over many years to them and the government of this State are so numerous to list them all is impossible; and

WHEREAS, Bob Kendall was elected to the State Senate in 1946 without opposition from the Seventeenth District (Butler, Conecuh and Covington Counties) and was re-elected to the upper Chamber in 1958, where in 1959 the Capitol press corps selected him the "Most Effective Member"; and

WHEREAS, Bob Kendall served in the House of Representatives for two consecutive terms from 1951 to 1959, where in 1953 he was Speaker Pro Tempore and the Capitol press corps designated him the "Most Outstanding House Member"; and

WHEREAS, during his sixteen years in the legislature this humble but effective legislator exhibited his deep concern for the ill, the indigent and the less fortunate; and

WHEREAS, the name of Bob Kendall was prominent in Alabama health legislation for the citizens of this State; and

WHEREAS, in 1949 he worked tirelessly in sponsoring legislation which provided for the state and counties to finance the construction of Hill-Burton hospitals, and he chaired a special committee which hammered out and secured the enactment of Alabama's first sick care program for the indigent; and

WHEREAS, the diligent and patient Bob Kendall was responsible for pages of legislation which contributed immeasurably to making life easier and better for all Alabamians and one of his most unique roles as a legislator was that of "peacemaker" which united contending factions to make good laws possible; and

WHEREAS, Bob Kendall was Assistant Highway Director from 1963 to 1965 and Highway Director from 1968 to 1969; Executive Vice President of the Alabama Textile Manufacturers Association from 1966 to 1968, and Director of the Department of Industrial Relations from 1969 to 1970; and

WHEREAS, this versatile gentleman of many talents was a member of the Industrial Development Board of the City of Evergreen, Board of Directors of the Bank of Evergreen, Board of Directors of Blue Cross-Blue Shield, Montgomery and Evergreen Rotary clubs and the Selection Committee of the Alabama Sports Hall of Fame, the Kiwanis, Jaycees, Chamber of Commerce, Farm Bureau and Cattlemen's Association; and

WHEREAS, Bob Kendall was the Executive Director of the Alabama Railroad Association; and

WHEREAS, Bob Kendall, who never claimed the limelight for himself, was sought out by the mighty and the lowly, by the greats and near greats, for his wise counsel and advice, and beneath his easy-going facade was a gold mine of political and business experience, keen insight and knowledge whose only intolerance was a man who would not keep his word or self-serving and unfaithful officials; and

WHEREAS, Bob Kendall who directed the construction of miles of bridges throughout this State easily built bridges of friendship, trust, integrity and decency and by his example was instrumental in the formation of character for many; and

WHEREAS, this anecdotist was a joy to all who knew him and entertained those around him with his reminiscences and experiences; and

WHEREAS, this native of Evergreen was educated in the public schools of Florida and Evergreen and was a graduate of the University of Alabama; and

WHEREAS, Bob Kendall was a staunch supporter of the Crimson Tiders and his devotion to them is legendary; and

WHEREAS, Bob Kendall was a history buff and was the writer-producer-director for Conecuh County's Civil War Centennial pageant in the Spring of 1961; and

WHEREAS, Bob Kendall could discourse on any topic, complex or simple, philosophical or farcical; and

WHEREAS, this jovial man whose loud and easy laughter and great wisdom won the hearts and love of legions throughout the State; and

WHEREAS, Robert G. (Bob) Kendall, Jr. demonstrated his selfless devotion to this state and its people, and zealously worked in many spheres of activity dedicated to the welfare and progress of this state; and

WHEREAS, this body will ever be mindful and deeply appreciative of the outstanding contributions Bob Kendall has made for the betterment of his community and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are thankful for having known this man who touched our lives so forcibly and we are deeply grieved by his death.

BE IT FURTHER RESOLVED, That we do extend our heartfelt sympathy to the members of his family whose sense of loss we share.

RESOLVED FURTHER, That copies of this resolution be sent to his wife, Mrs. Robert G. Kendall, Jr. (nee Mary Watson), his sons, R. G. Kendall, III and William Kendall, and his daughter, Mrs. Zilda Christopher.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 231 H.J.R. 129—Kinsey

HOUSE JOINT RESOLUTION

NAMING THAT CERTAIN PORTION OF BALDWIN COUNTY ROAD 27 "MALBIS PLANTATION PARKWAY"

WHEREAS, County Road 27 located in Baldwin County is a part of the principal inland access to the many tourist attractions surrounding Mobile Bay; and

WHEREAS, one of the most significant attractions in that area is Malbis Plantation; and

WHEREAS, the Malbis Plantation was founded in 1906 by Jason Malbis and because of his request the Greek Orthodox Church, the Presentation of the Pheopokos (Mother of God) was constructed in 1965, some 22 years after this founder's death in Europe; and

WHEREAS, the people of the Malbis plantation brought the

remains of Jason Malbis back from Europe to the community which he loved to rest forever in this church; and

WHEREAS, the edifice is unique in its design, and the interior is resplendently decorated with paintings applied by the brushes of artists from Greece, and the carvings and the stone from which the church is made were imported from Greece; and

WHEREAS, the Malbis Plantation has been visited by over 100,000 tourists a year to enjoy the beauty of the community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Baldwin County Road 27, which runs from U. S. Highway 31 to Baldwin County Road 64 is hereby designated "Malbis Plantation Parkway" and the State Highway Department shall cause appropriate signs and markers to be erected and maintained along said highway.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 232 H.J.R. 130—Kinsey

HOUSE JOINT RESOLUTION

NAMING THE ROAD LEADING FROM THE CLAUDE PETEET MARICULTURE CENTER TO HIGHWAY 59 IN BALDWIN COUNTY THE "MILDRED CASEY DRIVE."

WHEREAS The Claude Peteet Mariculture Center contributes greatly to the citizens of Alabama through its research in the striped bass and the development of striped bass and other marine species for release into the coastal waters of Alabama for some of the finest sport fishing in North America; and

WHEREAS, This splendid research facility exists largely through the efforts of Miss Mildred Casey who donated the 40 acres where the center is located to the State of Alabama; and

WHEREAS It is fitting and proper that a memorial exist to the contribution of this fine citizen of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the road coming from the Claude Peteet Mariculture Center to Highway 59 in Baldwin County which provides access to the Mariculture Center is hereby designated as the Mildred Casey Drive.

RESOLVED FURTHER That the State Highway Department shall cause appropriate signs and markers to be erected. A copy of this Resolution to be sent to the Director of the State Highway Department.

Approved August 5, 1976.

Time: 2:30 P.M.

Act No. 233

H.J.R. 215—Higginbotham

HOUSE JOINT RESOLUTION

Urging and requesting the Congress of the United States to amend the federal clean air act; and for other purposes.

WHEREAS, The Clean Air Act of 1970 states that its primary purpose is "to protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population"; and

WHEREAS, in order to carry out this purpose of The Clean Air Act, the Environmental Protective Agency promulgated on April 30, 1971, national primary and secondary ambient air quality standards to be achieved by the states through State Implementation Plans; and

WHEREAS, the Implementation Plan for the State of Alabama was approved by the EPA on May 31, 1972, and provides for the achievement and maintenance of primary and secondary ambient air quality standards, through the approval and implementation of control programs for the reduction of emissions; and

WHEREAS, the implementation of control programs by both governmental and private sources will require the expenditure of substantial capital funds in order to achieve compliance with the national ambient air quality standards in many states; and

WHEREAS, it is essential for both government and the private sector to be able to plan in these inflationary times for such expenditures with a reasonable degree of certainty as to both time and amount; and

WHEREAS, both the government and the private sector should, in the development of environmental compliance programs, be encouraged to weigh and balance carefully the impact of various alternatives on energy conservation, the economy and the environment; and

WHEREAS, this reasonable degree of certainty does not

exist today due to many factors including court decisions, changing regulations, and advancing technology, thereby causing the expenditure of unproductive inflationary funds without regard to the cost of the benefits to be achieved nor to the precious energy consumed; and

WHEREAS, unreasonable uncertainties now and will in the future curtail expansion resulting in shortages of goods, services and employment to the detriment of the world economy; and

WHEREAS, provision is presently included in the Federal Water Pollution Control Act Amendments of 1972 to provide a reasonable basis for financial planning for waste water management thereby encouraging the cooperation of the government and the private sector.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA that the Congress of the United States is hereby urged and requested to amend The Clean Air Act, as amended, by adding either the Sections listed below or such other language as the Congress may choose which will accomplish the same result.

"Section 120. Notwithstanding any other provision of this Act, any existing stationary source which has implemented or which is implementing an approved control program under a State implementation plan upon the date of enactment of The Clean Air Act Amendments of 1976 shall not be subject to any more stringent standards than those contained in such control program during a 10-year period beginning on the date of completion of such control program or during the period of depreciation or amortization of such facility for the purposes of G. S. 167 or G. S. 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

"Section 121. Notwithstanding any other provisions of this Act, any new stationary source, the construction of which was commenced before or after the date of enactment of The Clean Air Amendments of 1976 and which new source is so constructed as to meet all applicable standards of performance for new stationary sources, shall not be subject to any more stringent standard of performance or other standard during a 10-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of G. S. 167 or G. S. 169, or both, of the Internal Revenue Code of 1954, whichever period ends first."

BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby instructed to transmit a copy of this Resolution to the presiding officers of the Senate and the House of

Representatives of the United States Congress and to each member of the Alabama Congressional Delegation.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 234 H. 762—Morris

AN ACT

Relating to counties having populations of not less than 33,550 nor more than 34,000; to provide for an additional expense allowance for members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to those counties having populations of not less than 33,550 nor more than 34,000 inhabitants, according to the most recent federal decennial census.

Section 2. Each member of the county commission in each county to which this act applies shall be entitled to receive, in addition to any compensation or allowance heretofore authorized by law, an expense allowance of $300.00 per month payable from the county treasury.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 235 H. 843—Sparks, Crowe

AN ACT

Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to provide for a county supplement to the pay for the district judge in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. The district judge in counties to which this act

applies shall be entitled to receive a supplement of $700 per month payable out of the county general fund.

Section 3. The provisions of this act shall become effective January 16, 1977.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 236 H. 858—Mitchem, Kelley

AN ACT

To amend the title and Section 2 of Act No. 295, H. 1339, Regular Session 1975 (Acts of Alabama 1975, p. 829) relating to counties having a population of not less than 53,000 nor more than 55,000 and validating any contributions of county funds to non-profit volunteer rescue squads so as to extend the time during which the contributions are validated.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 295, H. 1339, Regular Session 1975 (Acts of Alabama 1975, p. 829) is hereby amended to read as follows:

"Relating to counties having a population of not less than 53,000 nor more than 55,000; to validate and confirm any contributions of county funds to the use of any non-profit volunteer rescue squad within the county between October 1, 1973 and June 30, 1976."

Section 2. Section of said Act No. 295 is hereby amended to read as follows:

"Section 2. Any contribution of monies by a county to which this Act applies which was made to any non-profit volunteer rescue squad within the county between October 1, 1973 and June 30, 1976 is hereby validated and confirmed."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 237 H. 865—McCorquodale

AN ACT

Relating to Clarke County; to provide for the total rehabilitation

of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to Clarke County.

Section 2. Definitions.—(1) "Board" shall mean County Rehabilitation Board, and shall be composed of five (5) members as follows:

1. Probate Judge of the County

2. Sheriff of the County

3. A Mayor of one of the municipalities or towns of the county to be designated by the Mayors of the 5 municipalities or towns of the county.

4. A member of the county governing body to be designated by that body.

5. The District Judge for the county.

Any member of the board may designate in writing a "proxy" to represent him at any board meeting.

(2) "Inmate" shall mean any person male or female convicted of a crime and sentenced to the county jail or to any city jail located within the county.

Section 3. Extended Limits of Confinements.—The Board shall adopt such written regulations and policies permitting the sheriff or the chief of police of any municipality in the county to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county or city jails unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment and thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Any rules, regulations or policies promulgated by the Board shall be written upon the minutes of the Board, and shall be acknowledged and signed by each member of the Board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner of any jail pursuant to the provisions of this Act.

Section 4. Wages.—The employer of an inmate involved in work release shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board shall be authorized to withhold from the inmate's earnings, 20% of his or her gross earnings to pay such cost incident to the inmate's confinement as the Board shall deem appropriate. After 20% has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to turn the remaining 80% of the inmate's earnings over to his family to be used by them in their support while an inmate is confined, provided the inmate, as well as the members of the inmate's family, give written consent to this procedure, prior to the inmate's release into the work program.

Section 5. Escape.—The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff or chief of police, as the case may be, to the county or city jails, shall be deemed as an escape from the custody of said sheriff or chief of police and shall be punishable as provided by law for escaped prisoners.

Section 6. Investigation and Recommendation.—Employees of the Board or persons designated by the Board are authorized to make investigation and recommendations pertaining to the validity of requests of job opportunities for inmates and to otherwise assist the sheriff or chief of police in the implementation of the program herein authorized.

Section 7. Securing Employment.—The Board or members of the Board shall endeavor to secure employment for eligible inmates under this Act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might affect the community, the inmates, or the Board.

Section 8. Education.—The Board may at its discretion, allow any inmate, between the ages of 14 and 22 only, to parti-

cipate in the release program to further the inmate's education. Under this section the inmate must follow all the rules set forth for other inmates participating in the work release program.

Section 9. Furloughs.—The Board may adopt rules and allow the sheriff or chief of police to grant furloughs or leave time not to exceed 3 days or 72 hours for inmates that the Board deems deserving, subject to the following restriction:

Each furlough can only be granted with the recommendation of the sheriff or chief of police and must be approved in writing and signed by a majority of the Board members granting and approving such furlough.

Section 10. Inmate not an agent of state or county.—No inmate granted privileges under the provisions of this Act shall be deemed to be an agent, employee or involuntary servant of the Board, state, county or municipality while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 11. The sheriff and chiefs of police or person or persons designated by the Board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year; a copy of said report shall be filled with each of the following persons or agencies: The Board, the governing bodies to which this Act applies, the mayor and city governments which participate in the program, and to the circuit judge or judges serving Clarke County.

Section 12. Penalty Clause. —Anyone violating any of the provisions of this Act shall be guilty of a misdemeanor.

Section 13. Severability.—The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Repealer.—All laws or parts of laws which conflict with this act are repealed.

Section 15. Effective Date.—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 238 H. 806—Ford, Taylor, Brindley, Rich

AN ACT

Relating to Etowah County, further regulating the practice of

cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships, as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act the term "licensed cosmetologist" shall mean a cosmetologist who has been duly licensed as such by the state board of cosmetology pursuant to Act No. 78, S. 72, Special Session 1961 (Acts 1961, p. 1955), as amended, and the term "registered beauty shop" shall mean a beauty shop which has been registered with or by such board pursuant to said act. The following words and phrases when used in this Act shall have the meaning ascribed to them in the above cited Act No. 78 of the Special Session of 1961 as amended: "apprentice," "beauty shop," "managing cosmetologist," and "school of cosmetology."

Section 2. Any person who will conduct his business entirely within Etowah County shall be licensed by the state board of cosmetology as a managing cosmetologist provided such person has had one year's experience prior to application for such license and provided such applicant complies with other requirements for such license.

Section 3. Any provision of law to the contrary notwithstanding any person who is eligible to be registered as an apprentice pursuant to Act No. 78, S. 72 of the Special Session of 1961, and who is serving as an apprentice in a duly registered beauty shop in Etowah County may also be enrolled in a school of cosmetology at the same time that such person is serving such apprenticeship after the student has completed 900 hours cosmetology training in a registered beauty school, and has received a permit from the Cosmetology Board.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental and insofar as possible it shall be construed in pari materia with other laws regulating the practice of cosmetology; however the provisions of this act shall supercede as to Etowah County the provisions of any other law, general, local or special, which are in conflict herewith and it is specifically provided that insofar as Act No. 78, S. 72 of the Special Session of 1961 (Acts 1961, p. 1955) conflicts with this act it is superseded as to Etowah County.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 239 H. 311—Carter, Moore (W)

AN ACT

To alter or rearrange the boundary lines of the Town of Elkmont, Limestone County, Alabama, so as to include within the corporate limits of said Town, all territory now within such corporate limits and also certain other territory contiguous thereto, in Limestone County, Alabama.

Be It Enacted by the Legislature of Alabama:

That the boundary lines of the Town of Elkmont, Limestone County, Alabama shall be altered or rearranged to include the territory now within the corporate limits and also certain other territory contiguous thereto, as follows: All of Section 29 and a portion of Sections 19, 20, 30, 31 and 32, all in Township 1 South, Range 4 West, according to the Government Survey of the State of Alabama and more particularly described as follows: Beginning at a point 500 feet South of the Southeast corner of Section 29 of Township 1 South, Range 4 West and run thence West and parallel with the South boundary of Sections 29 and 30, to a point in the center of Highway 127; run thence Northerly, along the center line of said Highway 127, for a distance of 3140 feet to the South line of the Northeast Quarter of said Section 30; run thence North 0 degrees 00 minutes (Magnetic Bearing) to a point 500 feet North of the North boundary line of said Sections 30; run thence East and parallel with the North boundary of Sections 30 and 29, to the East Boundary of Section 20 to a point 500 feet North of the Northeast corner of said Section 29; run thence South, along the East boundary of said Sections 20, 29 and 32 to the point of beginning.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 240 H. 675—Smith (M)

AN ACT

Relating to Randolph County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County the sheriff may execute

orders to summons jurors, subpoena witnesses, give notice of appointment of election officials, or give notice of tax liens by registered mail, or he may execute such orders or give such notice as otherwise prescribed by law. It shall be the duty of the sheriff of the county to enclose the summons, subpoena or official notice of tax lien or of appointment as an election official in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside the county. In the event said jury summons, subpoena or official notice is returned to the sheriff by the Post Office Department of the United States without delivery the summons, subpoena or official notice shall be by the sheriff returned NOT FOUND. All jury summonses, subpoenas, or official notices not returned to the sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service The provisions of this section in reference to service by mail shall not apply, however, to jury summonses, subpoenas or official notices returnable before the court instanter; such summonses, subpoenas or official notices shall be served as otherwise provided for by law, notwithstanding this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 241 H. 751—Folmar, Reed (T)

AN ACT

To authorize the Bullock County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and prescribing the procedure for levying and collecting such assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Bullock County is authorized, when the need exisits to provide protection against forest fires in Bullock County by participating in the Alabama

Forestry Commission's fire protection program in the manner hereinafter specified.

Section 2. (a) After the Bullock County governing body has determined that such a need does exist in Bullock County, the county governing body may, in the manner hereinafter specified, provide for a financial charge or tax to be paid by the owners of forest lands located in Bullock County for the use of the land for timber growing purposes amounting to the whole or any part of the cost of such fire protection program, but not in excess of five cents per acre, provided such financial charge or tax is not greater than the benefit accruing to such forest lands due to the availability of such fire protection.

(b) "Forest lands" as used in this Act, shall mean any land which supports a forest growth, or which under prevailing natural and economic conditions may be expected to support such a growth in the future, or which is being used or reserved for any forest purpose. "Foreign lands" as used in this Act, shall not include any lands primarily used for residential purposes nor shall it include any publicly owned lands.

Section 3. The need for such a financial charge or tax to provide forest fire protection within the county shall be determined by the county governing body after a public hearing is held thereon. Notice of such public hearing shall be given by the county governing body for a period of two consecutive weeks by advertisement in a newspaper of general circulation in Bullock County. Such advertisement must indicate the date, time, and place of hearing, the manner proposed to finance such fire protection program, and the part of the cost of such program that is proposed to be paid by the owners of the forest lands. Any person owning forest land in Bullock County may appear in person or by attorney at such time and place and make defense against such financial charge or tax or the amount thereof. After such hearing the county governing body shall determine the amount of such financial charge or tax and enter on the minutes of the governing body an order fixing such financial charge or tax.

Section 4. Any such financial charge or tax fixed as provided in the above section shall be payable at the same time and in the same manner as county taxes and the owners of the forest lands, as herein defined, shall make report of the same to the tax assessor of Bullock County at the time fixed by law for making return of the property of such property owner. Financial charges or taxes levied shall constitute a lien on the property against which they are charged or taxed in case of default in the payment of such financial charge or tax the land may be sold in the same manner and under the same conditions that lands are sold for the satisfaction of leins for county ad

valorem taxes and redemption from such sale may be effected in the same manner as is provided by law for redemption where land is sold for non payment of ad valorem taxes.

Section 5. The county governing body of Bullock County is authorized to appoint agents and delegate authority to individuals to search out forest lands in Bullock County, determine the area and owners thereof, and report same to the Tax Assessor of Bullock County who shall be authorized, after notice by certified mail to such owners, and hearing before the county governing body is so requested by such owners, to place said financial charge or tax against said forest lands as may be determined by the report of such agents or the determination of said county governing body.

Section 6. All monies accruing to Bullock County shall be placed in the General Fund of the county and shall only be spent by the county governing body in participating in the Alabama Forestry Commission's forest fire protection program in Bullock County.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 242 H. 649—McCorquodale

AN ACT

To provide for the establishment of a merit system for Clarke County, Alabama, and a Merit System Board governing the removal and official conduct of employees of the county; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Clarke County, Alabama.

Section 2. As used in this Act, unless the context clearly requires a different meaning: "county" means Clarke County, Alabama; "employee" means any person, including law enforcement officers, not excepted by Section 3 of this Act, who is employed in the service of Clarke County or any board, agency or instrumentality thereof; "merit employee" means any such employee who shall have completed his six months of probationary employment; "board" means the Merit System Board created by this Act; "appointing authority" means in the case of em-

ployees in the offices of the elected officials of the county, such elected officials, and means, in the case of all other county employees, the county governing body, or the board or other agency supervising their work.

Section 3. The provisions of this Act, shall apply to all officials and employees in the service of the county or any board, agency or instrumentality thereof except: (a) persons holding elective offices; (b) members of appointive boards, commissions, and committees; (c) all employees of the County Board of Education; (d) independent contractors; (e) and any person whose employment is subject to the approval of the United States government or any agency thereof.

Section 4. All employees to whom the provisions of this Act apply shall be governed by merit system rules and regulations prescribed in or promulgated pursuant to this Act, administered by the Merit System Board, the creation of which is provided for in Section 5 hereof. Present such employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided; and such employees shall be subject fully to the provisions of this Act.

Section 5. There is hereby created the Merit System Board of Clarke County, Alabama, which shall be composed of three members appointed by the Clarke County Commission. The following groups shall each submit the names of three nominees to said Commission:

1. All employees of the Road and Street Department and the Department of Solid Waste.

2. All employees of the Clarke County Sheriff's Department and employees in offices of boards, agencies or elected officials of the county.

3. The Probate Judge and County Commissioners.

Original appointees shall serve for terms of Two (2) years; Four (4) years and Six (6) years, respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of Six (6) years or until his successor is appointed. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the Board who is not a resident and qualified elector of Clarke County and over the age of twenty-one years.

Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the Probate Judge. Vacancies on the Board shall be filled for the unexpired term of the vacant position, in the same manner as original appoint-

ments. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is elected or appointed to another public office of profit vacates his office as a member of the board.

Section 6. Each member of the Board shall be paid twenty dollars per month by the Clarke County Commission.

Section 7. The Board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the Board shall constitute a quorum for the transaction of business. All meetings of the Board shall be held in the Clarke County Courthouse. The Board may prescribe rules governing its procedure, not inconsistent with the provisions of this Act.

Section 8. The Board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the Board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

Section 9. The salary to be paid each employee shall be determined by the Clarke County Commission, except that in the case of employees in the office of a fee paid officer, such officer shall fix the salaries of the employees in his office.

Section 10. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary employee may be discharged by his appointing authority at his or its pleasure at any time before the expiration of six months from his appointment. After he shall have served for six months in the position to which he was appointed or employed, such employee shall become a merit employee.

Section 11. An appointing authority, shall have authority to suspend without pay a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a Merit Employee is suspended without pay for more than thirty days in any one year, he shall be entitled to a public hearing by the Board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the Board determines that the action of the appointing authority was not with good cause, the suspension shall be revoked.

Section 12. a) The governing body of the County, any member of the governing body, or the head of any department or office, respectively can remove, discharge, or demote any

merit employee who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the Board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the Board. If such appeal be filed, the Board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on such charges. No Merit Employee shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only upon affirmation by the Board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case and shall include the Board's finding of facts upon which its decision is based. In all proceedings before the Board, the county attorney shall appear and prosecute all charges instituted by the county governing body or any member thereof or by any department head, when requested or directed to do so by such county governing body. In all proceedings before the Board, when directed by the county governing body to do so, the county attorney shall appear and represent the interests of the county and give such legal advice and legal assistance to the Board as may be requested by it.

The Board shall have the power to administer oaths, take depositions, certify officials acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. The Sheriff or some other law enforcement officer of the county shall serve all processes of the Board. In case a person refuses to obey such subpoena, the Board may invoke the aid of the Circuit Court of Clarke County, Alabama, in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the Board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the court as

for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the Circuit Court of Clarke County, Alabama, which fees shall be paid from the treasury of the county.

b) Any person aggrieved by a decision of the Board may appeal such decision to the Circuit Court of Clarke County within thirty days from the rendition of such decision by the Board. Review by the Circuit Court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the Board's findings of fact shall be final and conclusive.

Section 13. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 14. The compensation and all other expenses of the Board arising under the provisions hereof shall be paid from funds of the county on the order of the Board in the same manner as other county salaries and expenses are paid; such orders of the Board shall be subject to review by the Clarke County Commission.

Section 15. Any merit employee who willfully violates any of the provisions of this Act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be reappointed or reemployed for two years.

Section 16. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with Act are repealed.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 243 H. 177—Carter, Moore (W), Hill

AN ACT

To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) is amended to read as follows:

"Section 5. The powers, duties and functions of the agency shall be as follows:

"(a) General. The agency

"(i) Shall have perpetual succession in its corporate name. (ii) May sue and be sued in its corporate name. (iii) May adopt, use and alter a corporate seal, which shall be judicially noticed. (iv) May enter into such contracts and cooperative agreements with the federal, state, and local governments, with agencies of such governments, with private individuals, corporations, associations, trusts, and other organizations as the board may deem necessary or convenient to enable it to carry out the purposes of this Act, including the planned, orderly residential development of the area.

"(v) May adopt, amend, and repeal bylaws. (vi) May appoint such managers, officers, employees, attorneys and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, require bonds of such of them as the board may determine. The salary of any such employees may be paid out of such funds as may be available to the agency from any source. The employees of the corporation shall not be subject to the state merit system; but they shall be members of the employees retirement system of Alabama the same as other employees in the state service.

"(b) Formulation and Execution of Development Plans

"The Agency is authorized to:

"(i) Investigate the resources of the Alabama portion of the Elk River Watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area.

"(ii) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area. This program may include the active participation of the Elk River Development Agency in land development programs which have as their objective the provision of housing and related facilities for a full range of social, economic, and racial groups while maintaining the natural beauty and openness of the area. This program shall be consistent with plans and requirements for statewide economic development and with plans and requirements of federal agencies for the development of the entire Elk River Watershed and with plans of Tennessee agencies for the development of the Tennessee portion thereof.

"(iii) In making such investigations and in formulating development plans, seek and utilize the assistance of appropriate federal, state, and local agencies and of private citizens and citizen organizations interested in the conservation and development of the resources of the area.

"(iv) Plan and provide for the construction of water control structures, channel improvements, and facilities for navigation, drainage, irrigation, industrial development, water conservation and supply and water distribution facilities for residential, commercial and industrial users; such distribution facilities may include sewage disposal and related facilities necessary for residential, commercial or industrial developments.

"(v) Provide for financing comprehensive development and related activities necessary to effect the design and construction of the facilities herein described in subsection (iv), by accepting loans, grants, or other assistance from federal, state, and local governments, or from agencies of such governments, and by issuing in its own name revenue bonds pledging a portion of the revenues from such facilities.

"(vi) Arrange with any city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustment of roads, highways, bridges, and utility lines.

"(c) Land Acquisition

"The agency may acquire by purchase, lease, gift, or condemnation, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to land, to rights in land, including lease holds and easements, and water rights in the Alabama portion of the Elk River Watershed that the board determines to be necessary to the control and optimum development of the Elk River. The amount and character of the interests in land, rights in land, and water rights to be

acquired in such area shall be determined by the board of directors and its determination shall be conclusive. The agency's power of eminent domain may be exercised under Title 19, of the Code of Alabama, and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted for the exercise of the power of eminent domain. The agency is expressly authorized to acquire by condemnation or otherwise, lands or interests in lands in the Alabama portion of the Elk River Watershed that it determines to be needed for developments authorized by subsection (iv), infra, of this act. The condemnation of land for industrial uses is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities. The condemnation of land for residential or commercial development is hereby declared to be for the additional public purposes of preserving desirable aspects of natural and urban environment, preventing unplanned urban sprawl, and improving the general and economic conditions of the Elk River area. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

"(d) Management and Operation

"The agency may:

"(i) Enter into contracts with municipalities, homeowners associations, corporations, other public agencies, or political subdivisions of any kind, or with others for the sale of water for municipal, domestic, agricultural, or industrial use, or of any other services, facilities, or commodities that the agency may be in a position to supply.

"(ii) Provide water, sewage, or other utility services for residential, commercial or industrial consumption at developments created by the agency either directly by constructing, operating and maintaining the plant facilities, or by contracting with one or more public or private entities to procure all or any part of the plant and/or services necessary for the provision of water, sewage, or other utility services; the authority to contract for the procurement of such plants and/or services shall include authority to transfer publicly-owned interests in land and facilities to contractors selected to provide plant facilities and/or services.

"(iii) Develop reservoirs and shoreline lands for recreational use and provide for their operation for this purpose directly or by concessionaires, licensees, lessees, or vendees of shoreline lands.

"(iv) Develop or contract for the development and resale

for private residential, commercial or industrial purposes land or interests in land acquired under subsection (c) of this section; such development and resale shall be made in accordance with plans and subject to restrictions prescribed by the agency to assure preservation of a comprehensive plan for the appropriate and complementary use of property in the developed area.

"(v) Sell or lease shoreline lands acquired in connection with development of the stream system for uses consistent with the agency's development plan and subject to such restriction as the agency deems necessary for reservoir protection and to such requirements as to (1) character of improvements or activities and (2) time within which such improvements or activities shall be undertaken as the agency deems appropriate to its overall development plan.

"(vi) Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies.

"(vii) Acquire, construct, or operate such other facilities or works of improvements as are necessary to effectuate plans for comprehensive development of the area.

"(viii) Provide police and fire protection, pending the establishment of rural village public bodies to perform these functions, either under its own auspices or by arrangement with another public or private agency.

"(ix) Insure against tort liability arising in the construction or operation of the rural village, or assure injured parties of compensation irrespective of possible governmental immunity.

"(e) Financing

"The agency may:

"(i) Issue its bonds from time to time for the purpose of paying in whole or in part the cost of the acquisition of necessary land or interest therein and for improvements thereon for the development of any residential, commercial, or industrial properties or utility facilities as authorized herein and for improvements thereon for the development of any residential, commercial, or industrial properties or utility facilities as authorized herein and the development of the resources of the watershed for which it is created, and expenses incidental thereto;

"(ii) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the agency from any source, by a mortgage or deed of trust of the agency's land or any part thereof, or by a combination of the two; and

"(iii) Make such contracts in the issuance of such bonds as may seem necessary or desirable to assure the marketability thereof.

"(iv) All bonds issued by the agency shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the agency shall be affixed thereto, and any interest coupons applicable to the bonds of the agency shall be signed by the Chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of manually signing the same, a facsimile of the seal of the agency may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the agency at any time and from time to time, shall be in such form and denominations and for such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner as may be provided by resolution of its board. Bonds of the agency may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued by the agency may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the agency, which may be sold by the agency at public or private sale at such price or which may be exchanged for the bonds or other obligations to be refunded. The agency may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the agency shall be construed to be negotiable instruments although payable solely from a specified source. All obligations and bonds issued by the agency shall be solely and exclusively an obligation of the agency, and shall not create an obligation or debt of the state or of any county or municipality. Any bonds issued by the agency shall be limited or special obligations of the agency payable solely out of the revenues of the agency specified in the proceedings authorizing those bonds provided, however, that bonds the proceeds of which are used to repay money loaned, directly or indirectly by the United States Government and used to acquire

or construct water supply facilities, sewage disposal facilities, or other utility facilities, may be secured by pledge of facilities so acquired or constructed as well as the revenues produced by their operation. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation and sale of property and facilities owned by the agency, or solely out of the revenues from the sale and operation of any one or more of such properties and facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit only of certain particular systems or facilities of the agency. The agency may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the property and facilities, or any part thereof, the revenues or any part of the revenues from which payments are so pledged. Any mortgage and deed of trust or trust indenture made by the agency may contain such agreements as the board may deem advisable respecting the sale, operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

"(v) As security for payment of the principal of and interest on bonds issued by it, the agency may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any property and facility owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation or reasonable regulations respecting any service furnished from such facility, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facility will be sufficient to operate such facility, maintain the some in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such property or facility, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or in any mortgage and deed of trust, or trust indenture made by the agency hereunder.

"(vi) Any resolution of the board or trust indenture, under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the property and facilities, or either (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the judge of probate of each county in which any part of such property and facilities, or either, may be located of a notice containing a brief description of such property and facilities, or either, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such property and facilities, or either, including any additions thereto and extensions thereof. Each judge of probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

"(vii) All moneys derived from the sale of any bonds issued by the agency shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued by the agency, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

"(f) Exemption from Taxation

"The agency, the property and income of the agency, all bonds issued by the agency, the income from such bonds, conveyances by or to the agency and leases, mortgages and deeds of trust by or to the agency shall be exempt from all taxation in the state of Alabama. The agency shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certification of incorporation, or the recording of any document. No license or excise tax may be imposed on any

agency in respect of the privilege of engaging in any of the activities authorized by this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 244 H. 702—Shelton, Merrill, Holmes (D), Quarles

AN ACT

Relating to the City of Jacksonville, Calhoun County, to regulate further the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies only to the City of Jacksonville in Calhoun County.

Section 2. It shall be lawful for any person, firm, or corporation to sell or offer for sale any spirituous, vinous, or malt or brewed beverages in any establishment located within the corporate limits or the police jurisdiction of the City of Jacksonville, regardless of the proximity of the establishment to the boundary of the campus or grounds of any state university or college or any institution of higher learning or of any eleemosynary institution located within said corporate limits or police jurisdiction, provided such sales are legally licensed in said city.

Section 3. The City of Jacksonville shall have authority to rescind any liquor license granted to any establishment for on-premises consumption located within the city limits or police jurisdiction of said city if solid food such as sandwiches or other more substantial food is not at all times available when such establishment is open.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 245 H. 620—Jackson (F), Holley, Smith (J)

AN ACT

To provide for the supplemental compensation of the circuit judges of the 22nd judicial circuit, and to provide for the method of the payment of such supplemental compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office of the circuit judges of the 22nd judicial circuit, the salary of the circuit judges shall be supplemented by the county composing such judicial circuit, and the county commission or other like governing body of such county, is hereby authorized, empowered, and directed to supplement the salary paid by the state of Alabama to each circuit judge of the 22nd judicial circuit by an amount of five thousand dollars ($5,000) per annum. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury and shall be in addition to the salary paid such judges by the state.

Section 2. This Act shall become effective as to all circuit judges of the 22nd judicial circuit immediately after the expiration of the term or terms of office of the judge or judges whose term or terms first expire, after its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 246 H. 871—Goodwin

AN ACT

To provide for purging the lists of registered voters in Colbert County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of registrars of Colbert County is hereby directed to purge all lists of the qualified electors in the county to the end that the names of all persons who are deceased or nonresidents of the county, or have otherwise become disqualified from voting in Colbert County, shall be removed from such lists, and that the name of each qualified elector shall appear only on the list of qualified electors for the beat in which he resides.

Section 2. The board of registrars shall omit and remove from the lists of qualified electors of the county the name of any person who fails to reidentify himself, in the manner prescribed herein, before the first day of January, 1978. No person whose name is removed from the list of qualified electors as herein provided shall cease permanently to be a qualified elector nor be subject to re-registration, but shall be subject only to the requirement that he reidentify himself as a duly registered elector before being listed on the list of qualified electors in the county, and before being entitled to vote.

Section 3. Prior to the first day of January, 1978, the board of registrars of Colbert County is hereby authorized, directed, and required to visit each beat in the county at least once, and more often if necessary, and remain there at least one day from nine o'clock in the morning until five o'clock in the afternoon, for the purpose of enabling qualified and registered voters residing in the beat to appear before the board and reidentify themselves. The board shall give at least ten days notice, by advertisement in a newspaper published in the county, of the time when, and the place in the beat where, they will attend for the purpose of enabling voters to appear and reidentify themselves. Upon failure to give such notice, or to attend any appointment made by them in a beat, they shall, after like notice, fill new appointments. The board shall remain in session for thirty days. During the 30 days session the board shall visit each beat on at least one day and the remainder of the time may be divided as the board of registrars deem necessary, to enable the qualified electors of the county to appear and reidentify themselves in the manner prescribed herein. No voter shall appear and reidentify himself at any place except in the beat in which he resides or in the courthouse of the county.

Section 4. Each member of the board of registrars shall receive ten dollars per day, for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only one per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and Commissioner of Agriculture and Industries, or a majority of them, shall forthwith make other appointments to fill such vacancies.

Section 5. The voter may reidentify himself by appearing in person before the board of registrars in the beat in which he resides, or by appearing before the judge of probate, or either of the clerks in the office of the judge of probate, or before the board of registrars in regular session, and answering such questions and submitting such proof under oath, as the board may require in order to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county.

Section 6. The board of registrars shall meet on the first Monday in January, 1978, for the purpose of purging the registration lists and the names of all persons who have failed to appear and reidentify themselves in the manner herein prescribed shall be stricken from the lists, provided, however, that said board shall not strike the name of any person, or of the spouse of any person, known by any member of said board, or made known to the said board by the written affidavit of another qualified elector, to be in active duty of any of the armed forces of the United States of America, and to be stationed, or to be living with her or his spouse, as the case may be, outside Colbert County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 7. Any qualified elector of the county who shall have his name omitted or removed from the list of qualified electors in the county by failure to appear and reidentify himself as herein provided shall be entitled to have his name restored to the list of qualified electors by appearing in person at the office of the board of registrars, or at the office of the judge of probate, and answering such questions and submitting such proof, under oath, as the board may require to establish the voter's identity, place of legal residence, and the fact that the voter has not become disqualified from voting in the county. Provided, however, every qualified elector must have reidentified himself at least 10 days prior to the election at which he offers to vote; provided further, however, that this act shall not be construed or applied to impair or deny the right to vote in person or by absentee ballot of any person or of the spouse of any person, now a qualified elector of said county, wh is in active duty of any of the armed forces of the United States of America and stationed, and, as to the spouse, who is living with her or his husband or wife as the case may be, outside of Colbert County, Alabama, during the period of time from the effective date hereof to January 1, 1978.

Section 8. The court of county commissioners of Colbert County is hereby authorized, directed, and required to furnish the board of registrars with the supplies, equipment, printed forms, stationery and newspaper advertisements necessary for the reidentification of voters as herein provided.

Section 9. The questionnaire to reidentify a voter shall be in substantially the following form:

VOTER'S REIDENTIFICATION QUESTIONNAIRE

Colbert County, Alabama

Date, 197....

Name
First Middle Last

Legal Residence Address
Street

City or Town

State

Date of Birth Sex

I now vote and I am a qualified elector in precinct or Beat No., Box No., ... County, and I have not been disqualified from voting in this county. I am not a qualified voter in any other county in the State of Alabama or in any other state in the United States.

I have resided in Precinct or Beat No. for the past months.

Signed
Signature of Voter

Sworn to and subscribed before me this day of 19....

.....
Registrar-Judge of Probate

Section 10. Any person who willfully makes a false statement to the board of registrars, or any duly authorized person, in reidentifying himself as a qualified elector in the manner provided herein shall be guilty of perjury, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 247 H. 937—Hill, Greer, Coburn

AN ACT

Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the governing body of such counties to authorize the Sheriff of the county to employ a cook at the jail; empowering the governing body of the county to fix the compensation of such cook and providing for the payment thereof out of the general funds of the county, retroactive to January 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. The County Commission, or other like governing body of such counties, is hereby authorized and empowered to authorize the Sheriff of such counties to employ a cook at the county jail, which cook shall serve at the pleasure of the Sheriff of such county.

Section 3. Such cook employed under the provisions of this Act shall receive such salary as may, from time to time, be fixed and allowed by the County Commission or other like governing body of the county. Said salary to be paid in equal monthly or semimonthly installments out of the general fund of such counties.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act is retroactive to January 1, 1975.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 248 H. 976—Hines

AN ACT

Relating to Escambia County, providing further for the salary of the chief deputy sheriff of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The chief deputy sheriff of Escambia County shall hereby receive an annual salary of $10,800.00 payable in equal monthly installments of $900.00 from the county treasury. The salary herein provided shall be in lieu of any and all compensation heretofore payable to the chief deputy sheriff of said county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

AN ACT

Act No. 249 H. 977—Hines

Relating to Escambia County; providing further for the compensation of the circuit judge of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all compensation and expense allowances heretofore provided by law for the circuit judge, the county governing body of Escambia County is authorized to provide for an additional compensation for such circuit judge in the amount of three thousand dollars per annum. Such additional compensation shall be paid out of the general fund of the Escambia County treasury in equal monthly installments.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 250 H. 978—Hines

AN ACT

To amend Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session, p. 306), relating to the compensation of the members of the board of education of Escambia County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 225, H. 204, Special Session of the Legislature 1965 (Acts 1965 Special Session p. 306), is hereby amended to read as follows:

"Section 1. The members of the board of education of Escambia County shall each receive from the public school funds of the county $75.00 per month for attending meetings of the board and transacting the business of the board. This sum shall be paid in lieu of any salary and expense allowances heretofore provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 251 H. 979—Hines

AN ACT

Relating to Escambia County; providing additional compensation for the official court reporter of the Twenty-first Judicial Circuit, payable by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other compensation provided for by law, the official court reporter of the Twenty-first Judicial Circuit of Alabama shall be entitled to additional compensation payable by Escambia County in the amount of three thousand dollars annually. Such additional compensation shall be paid to the court reporter in equal monthly installments from the general funds of Escambia County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 6, 1976 without approval by the Governor.

Act No. 252 S.J.R. 89—McMillan

SENATE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY'S BILLY FORRESTER FOR QUALIFYING FOR THE 1976 OLYMPICS.

WHEREAS, Billy Forrester, an Auburn University swimming signee, has qualified for the 1976 Summer Olympics in the swimming tryouts recently held in Long Beach, California; and

WHEREAS, in winning a place on the Olympics, Forrester became the first American swimmer to swim the 200 meter butterfly in under two minutes at 1 minute 59.7 seconds, breaking Mark Spitz's 1972 Olympic record of 2:00.07 minutes; and

WHEREAS, the eighteen year old Birmingham native will begin training next week for the Olympics, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Billy Forrester for his fine efforts in qualifying for the 1976 Summer Olympics and wish him the greatest success for the Olympic Games.

BE IT FURTHER RESOLVED, That Billy Forrester be presented with a copy of this resolution.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 253 S.J.R. 90—Torbert

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF RALPH CLARENCE RAIFORD OF PHENIX CITY.

WHEREAS, the Alabama legislature has been informed of the sad death of Ralph Clarence Raiford; and

WHEREAS, Ralph Raiford's involvement in his community was evident by his civic leadership for more than forty years, during which time he sought hard to promote industrial development within Phenix City; and

WHEREAS, Ralph Raiford demonstrated a concern for Phenix City's welfare as Phenix City-Russell County Chamber of Commerce president in 1939 and again in 1963, as a member and chairman of the Phenix City Water and Gas Board from 1949 to 1957, as a member of the Real Estate Board, and as director of the First Alabama Bank; and

WHEREAS, he was also prominent in the religious and social life of Phenix City as a deacon and trustee of Lakewood Baptist Church and as a member and former president of the Phenix-Russell Lions Club; and

WHEREAS, Ralph Raiford will be remembered not only for his many contributions to Phenix City but for his kindness and generosity to his many friends and loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the passing of Ralph Clarence Raiford and express our sincere sympathies to his wife, Mrs. Ralph Raiford; to his two brothers, Thomas Raiford and J. C. Raiford; and to his sister, Mrs. Virginia R. Powell.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Ralph Raiford.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 254 S.J.R. 91—Bank, Shelby

COMMENDING JACK BABASHOFF UPON QUALIFYING FOR THE UNITED STATES OLYMPIC TEAM.

WHEREAS Jack Babashoff, a rising senior on the swiming team at the University of Alabama, has recently qualified for the United States Olympic team; and

WHEREAS Jack Babashoff has distinguished himself throughout the Southeastern Conference and now has gained national attention for his qualifying in the 100 meter freestyle; and

WHEREAS Jack Babashoff will join, in Montreal, a host of Olympic qualifiers from Alabama as well as his sister, Shirley Babashoff, who qualified in five swimming events; and

WHEREAS Jack Babashoff of Fountain Valley, California, has ably represented the University of Alabama in the conference and now will represent his country in the 1976 Summer Olympic Games; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Jack Babashoff for his impressive qualification in the 100 meter freestyle and wishes him success in his try for the gold medal.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jack Babashoff.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 255 S.J.R. 92—Fine

SENATE JOINT RESOLUTION

CONGRATULATING MISS DENISE DAVIS, THE NEW "MISS ALABAMA."

WHEREAS, "Miss Alabama" for the coming year is a charming young lady from Russellville, Alabama, Miss Denise Davis; and

WHEREAS, Denise, the 18-year-old daughter of Mr. and Mrs. Ellis Davis, will enter the University of North Alabama in the fall; and

WHEREAS, the State of Alabama can take great pride in its lovely entry in the Miss America pageant in Atlantic City in September; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Miss Denise Davis for this singular honor, and extend best wishes for victory in Atlantic City.

BE IT FURTHER RESOLVED That Miss Davis is invited to visit the Legislature during the current session so that we can extend our best wishes to her in person.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Miss Davis and to her parents.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 256 H.J.R. 313—Holmes (A)

SENATE JOINT RESOLUTION

CONGRATULATING ALL ALABAMIANS AND OTHER AMERICANS WHO PARTICIPATED IN THE XXI OLYMPIC GAMES IN MONTREAL.

WHEREAS, the State of Alabama has been distinguished

before the entire world by the performance of its native sons and daughters at the 1976 Summer Olympics; and

WHEREAS, all Alabamians and Americans who participated in the Olympics brought pride to their state and country, and were outstanding in their performance; and

WHEREAS, the great showing by United States athletes should remind all Americans to support and encourage amateur athletics so the United States might equal or exceed its performance in the future games; and

WHEREAS, the basketball, boxing, and swimming teams and the relay events should be specifically recognized for overwhelming their opposition, much to everyone's surprise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate all Alabamians and other Americans who participated in the XXI Olympic Games in Montreal.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 257 H. 540—Lutz

AN ACT

To prescribe the date on which the regular annual session of the Legislature shall commence each year and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing in the year 1977, the annual sessions of the Alabama Legislature shall commence on the first Tuesday of February of each year for the first three years of the term of office of the legislators and on the second Tuesday in January of the fourth year of such term.

Section 2. Act No. 1240, S. 616 of the Regular Session of 1975 is hereby specifically repealed, and all other laws or parts of laws which conflict with this act are hereby repelaed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 258 S. 353—Foshee

AN ACT

To change the name of Lightwood Knot State Park to Walter Frank Jackson State Park.

WHEREAS, Walter Frank Jackson of Opp has contributed immeasurably to the needs of his neighbors and for the progress and betterment of his hometown, county and state; and

WHEREAS, Walter Frank Jackson served eight years on the Opp City Council and was on the Opp Board of Education; and

WHEREAS, Walter Frank Jackson is presently serving his third term in the Alabama House of Representatives from Covington County; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The name of Lightwood Knot State Park in Covington County shall be changed to Walter Frank Jackson State Park in honor of Representative Walter Frank Jackson who has distinguished himself to the people of his community.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 259 H.J.R. 306—Johnstone, Manley, Clark, Killian, Falkenburg, Lutz, Hill, Lockett, Kennedy, Armstrong, Morris, Harris

HOUSE JOINT RESOLUTION

COMMENDING ANDREW PHILLIP CAMPBELL FOR A JOB WELL DONE FOR THE HOUSE JUDICIARY COMMITTEE

WHEREAS Andrew Phillip Campbell has faithfully served the members of the House of Representatives working for the judiciary committee; and

WHEREAS Andy has been outstanding in reviewing legi-

lation and alerting members of the committee to potential problems and drafting proposed amendments thereto; and

WHEREAS Any Campbell graduated cum laude from Birmingham Southern College, where he was President of the Student Government Association; and

WHEREAS this fall Andy will return to the University of Alabama School of Law where he is a member of the Environmental Law Society and a Justice on the Student Bar Court; and

WHEREAS Andy has offered many valuable suggestions and assistance to the members of the judiciary committee and without his efforts the committee would have been severely handicapped in its work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Andy Campbell for a job well done and wish him much success in all future endeavors.

BE IT RESOLVED FURTHER That a copy of this resolution be sent to Andy to express our appreciation.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 260 H.J.R. 309—Smith, C.

HOUSE JOINT RESOLUTION

CONGRATULATING H. M. "LALLY' BATES UPON ELECTION AS PRESIDENT OF THE ALABAMA POSTMASTERS ASSOCIATION

WHEREAS H. M. "Lally" Bates was recently elected President of the Alabama Postmasters Association at the annual convention; and

WHEREAS Lally Bates has faithfully served the citizens of Clanton as their postmaster since 1965 striving to provide the best possible postal service; and

WHEREAS Mr. Bates is currently serving as a Deputy Postmaster of the Birmingham Sectional Center and is also District President and State Vice President of the Postmasters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate H. M. "Lally" Bates upon election as President of the Alabama Postmasters Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Lally Bates in appreciation of his community service.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 261 H.J.R. 314—Robertson

HOUSE JOINT RESOLUTION

COMMENDING THE DEDICATION, HARD WORK, AND UNLIMITED TIME SPENT IN OPENING AND OPERATING THE WEST ALABAMA GENERAL HOSPITAL IN NORTHPORT, ALABAMA

WHEREAS, this legislature would like to pay tribute to certain dedicated community builders who have made a significant and lasting contribution to the community as well as to the entire State of Alabama; and

WHEREAS, Doctors E. C. Brock, Joe Davis, Gabe Fernandez, Floyd O. Fitts, John Nelson, Robert Nelson, Joe O'Neal, Bill Taylor, Jewett Wheeler, Sam Davis, Jerre White, J. C. Guin, Ted Cone, Albert Tatum, Frank Hawkins, and John Todd of Tuscaloosa County, as well as, L. Stanton Tuttle, Charles A. Speir, Dr. Van Scott and Dr. James J. Bushnell, of Brookwood Medical Center of Birmingham, together with Charles Turner, Administrator; Charlie Horton, Certified Public Accountant and Financial Advisor, of Tuscaloosa, whose perserverence moved the project toward realization, have all contributed sound judgment, calm reasoning and skillful direction in steering this great humanitarian effort through many rough seas and onto a straight and purposeful course toward completion and to the successful attainment of the established goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend these dedicated community builders and civic minded leaders of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to those dedicated individuals named herein.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 262 H.J.R. 310—Kelley

HOUSE JOINT RESOLUTION

COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT

WHEREAS, the Alabama legislature has noted with interest the retirement of Eugene Starnes of Guntersville, Alabama; and

WHEREAS, Eugene Starnes is a devoted community builder who has served his people well; and

WHEREAS, He served as chairman of the Marshall County Democratic Executive Committee for twenty years and was a delegate to the Democratic National Convention in 1952 and 1956, serving on the Rules Committee on both occasions; and

WHEREAS, in 1946 Eugene Starnes received a citation from President Truman and Basil O'Connor for meritorious service performed in behalf of the nation and the armed forces during the Second World War while serving a 6 year term as chairman of the Marshall Chapter of the American Red Cross; and

WHEREAS, as Deputy Director of Savings Bonds with the United States Treasury Department serving all of North Alabama he won the first, coveted "Topper" award in the United States in 1963 and again was recipient of the award in 1964; and

WHEREAS, Eugene Starnes is a member of the Chamber of Commerce and is a charter member of the Alabama Council of Retail Merchants, having served as president of the Council in 1960 and 1961; and

WHEREAS, Eugene Starnes, who is noted for his gospel singing ability, is a past president of Marshall County Singing Convention, Sand Mountain Singing Convention, Alabama State Singing Convention, and in 1956 was voted first "Mr. Gospel Disc Jockey" for the U.S.A.; and

WHEREAS, he is a prominent and influential leader in the civic, social and religious life of his community; and

WHEREAS, he is an effective and dedicated spokesman for the State of Alabama, and through his warm and friendly manner has won many friends for the State of Alabama and himself throughout the country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to express our deepest appreciation to Eugene Starnes for his many contributions to the State of Alabama.

Every best wish is extended to Eugene Starnes for his long years of fruitful endeavor as well as many years of enjoyable retirement which he so richly deserves.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to our friend, Gene Starnes.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 263 H.J.R. 311—McNees

HOUSE JOINT RESOLUTION

COMMENDING CECIL H. STRAWBRIDGE ON HIS RETIREMENT.

WHEREAS, Cecil Strawbridge of Lamar County received his law degree from the University of Alabama in 1931 and returned to Vernon to practice law, serve as assistant district attorney and later as district attorney; and

WHEREAS, his brilliant and dedicated public service career also includes his continuous election as circuit judge for the 24th circuit from 1952 until the present; and

WHEREAS, he has, in addition to his public service career, served in the U. S. Air Force during World War II; and

WHEREAS, his generous civic achievements include; chairman of Lamar County Hospital Board; President of Lamar County Bar Association; President of Bar Association of the 24th Judicial Circuit; President of Alabama Circuit Judges Association; and other civic participations too numerous to mention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Cecil H. Strawbridge for his distinguished and outstanding career of public service to Lamar County and the 24th Judicial Circuit, and wish him a most pleasant retirement.

RESOLVED FURTHER, That a copy of this resolution be presented to Cecil Strawbridge.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 264 H.J.R. 315—Manley

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when both houses adjourn today they adjourn to meet again on Tuesday, August 10, 1976, and when they adjourn on Tuesday, August 10, 1976, both houses shall adjourn to meet again on Monday, August 16, 1976, and when they adjourn on Monday, August 16, 1976 they shall adjourn sine die. All previous resolutions concerning meeting days of the Legislature are hereby specifically repealed and revoked.

Approved August 6, 1976.

Time: 2:30 P.M.

Act No. 265 H.J.R. 319—Goodwin, Drake

HOUSE JOINT RESOLUTION

COMPLIMENTING MISS DENISE DAVIS UPON BEING CHOSEN MISS ALABAMA 1976.

WHEREAS the lovely Denise Davis, who is the 18 year old daughter of Mr. and Mrs. Ellis H. Davis of Russellville, Alabama, was crowned Miss Alabama for 1976; and

WHEREAS Miss Davis is a graduate of Russellville High School and plans to study music at the University of North Alabama in order to further her goal to be a professional singer; and

WHEREAS Denise has sung for the Alabama legislature and has been a part of two singing groups: "Sunshine" and "Christian Persuasions"; and

WHEREAS Denise has received the outstanding young citizen award from the Franklin County American Legion Auxiliary, attended Girls State and has done volunteer work for the Cerebral Palsy Telethon and the Cancer Walkathon; and

WHEREAS Miss Davis has gained honors in the Miss National Teenager Contest, Miss Southern Fashion Contest and the Miss Point Mallard Pageant; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Miss Denise Davis be complimented and congratulated upon winning the title of Miss Alabama 1976 and we wish her success

in the Miss America Pageant in September and in all her future endeavors.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution to Miss Davis.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 266 H.J.R. 323—Smith (C)

HOUSE JOINT RESOLUTION

CONGRATULATING *THE SHELBY NEWS-MONITOR* UPON RECEIVING THE MOST IMPROVED AWARD FROM THE ALABAMA PRESS ASSOCIATION.

WHEREAS *The Shelby News-Monitor* has been judged the most improved newspaper in Alabama among all weekly papers; and

WHEREAS the most improved award, one of the highest honors that a newspaper can receive, is judged on general and departmental news coverage, editorials, sports, society news, photography, makeup, layout, typography, classified improvement, advertising enterprise, business enterprise, circulation, and promotion of community interests; and

WHEREAS the contest was judged by the faculty and staff of the Henry W. Grady School of Journalism of the University of Georgia, which also recognized *The News-Monitor's* women's page and best news story; and

WHEREAS *The News-Monitor* provides valuable community information and has encouraged community projects, and is under the capable leadership of editor Kenny Hoblitzell; now therefore

BE IT RESOLVED FURTHER That a copy of this resolution be sent to B. L. Howard, publisher, and Kenny Hoblitzell, editor.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate *The Shelby News-Monitor* upon receiving the most improved award from the Alabama Press Association.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 267 H.J.R. 324—Smith (C), Moore (O), Waggoner

HOUSE JOINT RESOLUTION

CONGRATULATING THE *SHELBY COUNTY REPORTER* UPON RECEIVING AWARDS FROM THE ALABAMA PRESS ASSOCIATION.

WHEREAS the *Shelby County Reporter* has received several awards from the Alabama Press Association; and

WHEREAS among these awards is the best news photograph to appear in any weekly paper entitled "House Afire" taken by chief photographer Jerry Hamilton; and

WHEREAS the *Reporter* also received honors for the best feature photo also by Jerry Hamilton, and a feature story by Nancy Duncan; and

WHEREAS the *Shelby County Reporter* provides valuable community information and has promoted community interests; and

WHEREAS the *Reporter* is under the capable leadership of Ralph W. Sears, president and editor, Marcia Sears, vice president, and Mildred White Wallace, associate editor, who have devoted their lives to making Shelby County a better place to live; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the *Shelby County Reporter* upon receiving awards from the Alabama Press Association.

BE IT RESOLVED FURTHER That copies of this resolution be sent to the aforementioned persons for their meritorious service.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 268 S.J.R. 83—Owens, Mims

SENATE JOINT RESOLUTION

NAMING ALABAMA HIGHWAY 59 FROM URIAH TO BAY MINETTE THE "FORT MIMS HIGHWAY."

WHEREAS, during the Creek War in 1813, Fort Mims in Baldwin County became the site of the bloodiest massacre by Indians in our nation's history; and

WHEREAS, Captain Dixon Bailey together with the five hundred and fifty-three citizens and soldiers within the fort gallantly waged battle for five hours against twelve hundred Indian warriors; and

WHEREAS, This surprise Indian attack resulted in a barbarous slaughter and mutilation of men, women and children, and only thirteen individuals managed to escape; and

WHEREAS, Fort Mims exemplifies the supreme sacrifice American settlers made in the early history of our great nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body designates that portion of Alabama Highway 59 which extends from Uriah to Bay Minette the "Fort Mims Highway."

BE IT FURTHER RESOLVED, That the Alabama Highway Department cause appropriate signs and marking to be erected and maintained in designating said highway the "Fort Mims Highway."

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 269 S.J.R. 101—Fine

SENATE JOINT RESOLUTION

DECLARING AUGUST 21 "LEON DOUGLAS DAY."

WHEREAS, The University of Alabama basketball team has been led to new heights under the leadership of its star scorer, Leon Douglas; and

WHEREAS, Leon Douglas has become Alabama's all-time leading scorer with 1,909 points, spurring his team to three consecutive Southeastern Conference championships; and

WHEREAS, Alabama's overall record of 89 wins and 22 losses during Douglas' four years has elevated the Crimson Tide to its rating as one of the nation's top half-dozen teams in that period; and

WHEREAS, In addition to his all-time scoring record, Leon also set an Alabama record for most field goals (780), games played (111) and games started (108); and

WHEREAS, He was named freshman, sophomore, junior and senior player of the year in the SEC and for the past two

years was SEC player of the year; he was named to numerous all-American teams as a junior and senior, and invited to virtually every all-star game; and

WHEREAS, Leon Douglas, from Leighton, Alabama, is 6,9", weighs 230 pounds, received his B.S. in social work, and has been drafted in the first round by the Detroit Pistons; and

WHEREAS, His coach, C. M. Newton, says of him: "He's obviously a great player, but he is a greater person. He has never been worried about stats and, as a result, he has been a key factor in Alabama, being able to have a 'we' rather than an 'I' concept of the game of basketball; and

WHEREAS, The State of Alabama is proud that Leon Douglas is a native son, and wishes him continued success in his career in professional basketball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the outstanding athletic career of Leon Douglas, August 21 be proclaimed as "Leon Douglas Day" in the State of Alabama.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to Leon Douglas, his parents, and Coach Newton.

Approved August 6, 1976.

Time: 4:30 P.M.

Act No. 270 S.J.R. 105—Stewart

SENATE JOINT RESOLUTION

DESIGNATING PORTION OF U.S. 431 AS CHEAHA STATE PARK DRIVE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U.S. 431 which runs from its intersection with I-20 to the Talladega Scenic Drive be designated as "Cheaha State Park Drive".

BE IT FURTHER RESOLVED That the State Highway Department shall cause appropriate signs and markers to be erected along said highway.

Approved August 6, 1976.

Time: 4:30 P.M.

Act. No. 271 H.J.R. 263—Holmes (A)

HOUSE JOINT RESOLUTION

REQUESTING THE ALABAMA HIGHWAY DEPARTMENT TO ERECT APPROPRIATE MARKERS DESIGNATING THAT PORTION OF INTERSTATE 85 THAT RUNS FROM THE EASTERN MOST CITY LIMITS OF THE CITY OF MONTGOMERY TO ITS INTERSECTION WITH INTERSTATE 65 "THE MARTIN LUTHER KING, JR. EXPRESSWAY."

WHEREAS, Dr. Martin Luther King, Jr., was a citizen of the State of Alabama and the City of Montgomery, and

WHEREAS, Dr. Martin Luther King, Jr., gained national and international recognition for his leadership and contributions to gain equality for all Americans; and

WHEREAS, by Ordinance No. 88-75, the City Council of Montgomery has approved of naming said portion of Interstate 85 in memory of Dr. Martin Luther King, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate signs and markers to be erected and maintained along that portion of Interstate 85 running from the eastern most city limits of the City of Montgomery to its intersection with Interstate 65, designating said portion "The Martin Luther King, Jr. Expressway."

This Act became a law under Section 125 of the Constitution on August 11, 1976 without approval by the Governor.

Act No. 272 H. 689—Goodwin, Coburn

AN ACT

Relating to counties having a population of not less than 49,500 nor more than 52,000 inhabitants according to the 1970 or any subsequent federal decennial census, to authorize the coroner of any such county to appoint a deputy coroner for emergency situations and to provide further for the salary of the secretary of the coroner of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to counties having a population of not less than 49,500 nor more than 52,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The coroner of any county to which this act applies is hereby authorized to appoint a qualified person to serve as deputy coroner in the absence of the coroner or during periods when the coroner may be incapacitated. When called upon to serve said deputy coroner shall have the same legal authority and responsibility as the coroner. The salary of the deputy coroner shall be $25.00 per month, to be paid from the general fund of the county in the same manner as other elected and appointed officials are paid.

Section 3. The salary of the secretary of the coroner of any county to which this act applies shall be in the amount of $150.00 per month which shall be paid from the county general fund in the same manner as other elected and appointed officials are paid.

Section 4. All laws or parts of laws in conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Aug. 10, 1976

Time: 4:00 P.M.

Act No. 273 H. 728—Merrill, Shelton, Holmes (D), Quarles

AN ACT

To amend Section 1, Act No. 206, H. 1, Third Special Session of the Legislature of 1975, approved May 5, 1975, which provides a longevity pay bonus for certain law enforcement officers to include in the provisions of the act deputy sheriffs in counties having populations of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1, Act No. 206, H. 1, Third Special Session of the Legislature, 1975, approved May 5, 1975, is amended to read as follows:

"Section 1. Each law enforcement officer and all police communications officers employed by the State of Alabama, including law enforcement officers of the Department of In-

dustrial Relations and the Department of Revenue, and including State Fire Marshals, shall be entitled to and receive in a lump sum the first pay period of December each year the sum of $300 per annum after said employee has total service for a period of five years and shall receive said payment until the tenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $400 per annum until the fifteenth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $500 per annum until the twentieth year of service, at which time the payment shall be made in a like manner and at a like time but in the amount of $600 as long as he remains in service.

"All policemen in cities having a population of not less than 60,000 nor more than 130,000 inhabitants according to the most recent federal census shall be considered 'law enforcement officers' under the provisions of this act, provided, however, they shall be paid out of city funds.

"All deputy sheriffs in counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census shall be considered 'law enforcement officers' under the provisions of this act, provided however, they shall be paid out of county funds.

"All deputy sheriffs in counties having a population of not less than 115,000 nor more than 150,000 inhabitants according to the 1970 or any subsequent federal census shall be considered 'law enforcement officers' under the provisions of this act, provided, however, they shall be paid out of county funds."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved Aug. 10, 1976

Time: 4:00 P.M.

Act No. 274 H. 48—Gafford

AN ACT

To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. No tax under Title 51, Section 618, Code of Alabama 1940, as amended, shall be levied upon the recordation

of any deed, bill of sale, or any similar instrument or conveyances of like character, which conveys title to or any interest in any real or personal property within this state, and which is executed and delivered for the purpose of carrying out the division of any church, congregation, parish, religious congregation, religious assembly, diocese or other religious organization into two or more similar organizations or for the purpose of carrying out a merger or consolidation of any two or more such religious organizations into a single organization. This exemption shall apply to such recording regardless of the date on which the division, merger, or consolidation occurred.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Aug. 10, 1976

Time: 4:00 P.M.

Act No. 275 H. 114—Owens

AN ACT

To propose an Amendment to the Constitution of Alabama to authorize and provide for the establishment in Tuscaloosa County, Alabama, of districts for fighting fires or preventing fires, or districts for the collection and disposal of garbage and trash, or districts for both of the above purposes; and to authorize and provide for the levying and collecting of a service charge from the persons and property to whom and to which such services are provided; and to authorize the Legislature to provide for the issuance of bonds, to pay the cost of establishing and maintaining such fire fighting and fire prevention systems and garbage and trash collection and disposal systems, payable only out of the proceeds of charges for the said services.

Be It Enacted by the Legislature of Alabama:

Section 1. The following Amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

AMENDMENT

The Legislature may provide for the formation of districts in Tuscaloosa County, Alabama, for establishing and maintaining a system for fighting or preventing fires or for the collection and disposal of garbage and trash or for either or both of said purposes; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district; and, provided further, that no such district shall be established unless the establishment thereof has been first approved by

the qualified electors residing within the proposed district at an election held as provided for by a law or laws adopted by the Legislature. The Legislature may provide for submitting to the qualified electors residing within the proposed district the question of whether the district shall be created for either or both of the aforesaid purposes.

The expenses of establishing and maintaining any such fire fighting and fire prevention system or any such garbage collection and disposal system in a district, as the case may be, shall be paid for exclusively by the proceeds of a service charge, which shall be levied and collected in an amount sufficient to pay the said expenses.

Said service charges shall be levied upon and collected from the persons and property to whom and to which such services are available; and the service charge shall be a lien upon any such property.

The Legislature may provide for the enlargement of a district by the addition of territory thereto, subject to the following conditions: (1) No territory lying within a municipal corporation at the time of such enlargement shall be added to a district; (2) subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district at an election held for that purpose within the territory proposed to be added; (3) the legislature may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory.

The Legislature shall adopt laws providing for the administration of the affairs of the district by the governing body of the county or by an agency of the county, and empowering the body administering the affairs of the district to levy and collect the service charge, subject to such restrictions and conditions as the legislature imposes. The legislature may provide that any such service charge shall not become effective unless approved by the electors of the territory, and may provide the conditions on which an election on such service charge shall be held.

The Legislature shall be authorized to enact laws providing for the collection and enforcement of the service charges and of the lien for such charges.

The Legislature may provide for the issuance of bonds for such districts with or without an election; provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charge authorized hereby, and no such bond shall be a general obligation of the county.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment

Passed the House May 20, 1976.

Passed the Senate August 10, 1976.

Act No 276 H. 435—Dial

AN ACT

Proposing an amendment to the Constitution of Alabama which if approved by the electors of Clay County would authorize the compensation of public officers of Clay County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved and proclaimed ratified as prescribed by law:

PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Clay County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officers of Clay County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. This amendment shall not have been adopted unless a majority of the qualified electors of Clay County who participate in the election held on the adoption of this amendment vote in favor thereof.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House as Amended July 27, 1976.

Passed the Senate August 10, 1976.

Act No. 277 H. 591—Holley

AN ACT

Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

The Legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Coffee County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis and provide that such officers shall continue to collect any and all fees, commissions, percentages or allowances prescribed by law to be charged or collected by them and shall pay all monies so collected into the county treasury.

The Legislature may also, from time to time, by general, special or local law, fix, regulate and alter the cost and charges of courts in Coffee County, and the method of disbursement thereof.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee County who vote thereon upon its submission.

Section 2. An election upon the proposed amendment is ordered to be held on the same date as the first Constitutional amendment election held after the expiration of three months from final adjournment of the 1976 regular session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House June 10, 1976.

Passed the Senate August 10, 1976.

Act No. 278 H. 315—Callahan

AN ACT

Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby proposed that Amendment CCCLI to the Constitution of Alabama which was proposed as Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, be amended by striking out the word "tangible" in the first sentence of said

Amendment CCCLI so that the first sentence of said Amendment CCCLI shall read as follows:

The Legislature may authorize the levy and collection of a one mill ad valorem tax in Mobile County on real and personal property that is subject to such tax under the laws of this state for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance, and any acts of the legislature on this subject applicable to Mobile County that were enacted prior to the adoption of this amendment are hereby validated and reconfirmed.

Section 2. An election upon proposed amendment is ordered to be held on the first Tuesday, after expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama, 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House July 7, 1976.

Passed the Senate August 10, 1976.

Act No. 279 H. 1139—Merrill, Holmes (D), Shelton, Quarles

AN ACT

To amend Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, permitting any city in the State of Alabama having a population of more than 30,000 and not exceeding 33,000 according to the last or any succeeding federal census to adopt the council-manager form of municipal government so as to further provide for the office of mayor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3.06 of Act No. 404, S. 430, Regular Session 1953 (Acts of Alabama 1953, p. 472), as amended, is hereby further amended to read as follows:

"3.06. Presiding officer: mayor.—The council shall elect an officer of the City who shall have the title of mayor. He shall preside at meetings of the council, and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The council shall also elect an assistant mayor who shall act as mayor during the absence or disability of the mayor. The mayor and assistant mayor when so elected shall hold their respective offices until the next council takes office; provided that if the mayor or assistant mayor or both shall cease to be a member of the council his or their offices as such mayor or assistant mayor shall become vacant. If a vacancy shall occur in the office of mayor, the council shall elect a successor for the completion of the unexpired term. Both the mayor and the assistant mayor shall be elected from among the councilmen. The mayor shall receive as compensation for his services, in addition to the amount he receives as councilman, the sum of two hundred fifty dollars per month or each partial month that he serves as mayor."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 12, 1976.

Time: 3:45 P.M.

Act No. 280 S. 245—Little, Torbert

AN ACT

Proposing an amendment to the Constitution of Alabama to allow the legislature, from time to time, to fix, regulate and alter the compensation, fees, salaries and allowances, including the method and basis of the compensation, to be charged or received by the elected county officials in Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as provided by law:

PROPOSED AMENDMENT

The legislature may from time to time, by general or local laws applicable to or operative in Lee county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the elected county officials of Lee County; and

may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the Senate August 5, 1976.

Passed the House August 16, 1976.

Act No. 281 H. 577—Manley, Campbell, Robertson, Lockett, Pegues, Crowe, Lee, McCorquodale, Owens, Johnson, Coburn

AN ACT

To propose an amendment to the Constitution of Alabama to authorize the state to engage in works of internal improvement within the state in connection with the construction and maintenance of a navigable waterway between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across said waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses; and to authorize the state to become indebted and to issue in connection therewith interest-bearing general obligation bonds of the state in principal amount not exceeding $25,000,000.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed:

PROPOSED AMENDMENT

"Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature may by appropriate laws authorize the state to engage in works of internal improvement within the state by fulfilling the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with the construction and maintenance of a navigable waterway (herein called "the waterway") between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across the waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses (herein called "the projects").

The legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding $25,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the waterway and the projects; provided, that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest thereon. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the legislature to be undertaken in connection with the waterway and the projects.

The legislature may from time to time appropriate money from the general fund of the state to be expended by the Tombigbee Valley Development Authority, a public corporation and agency of the state, and may also authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of said authority; provided, that all moneys received by said authority from the state, whether as appropriations from the state's general fund or as proceeds of the sale of the state's bonds, shall be expended, except for reasonable administrative expenses to be paid from said appropriations and expenses of the sale of said bonds to be paid from said bond proceeds, in discharging obligations that the state is permitted under the foregoing provisions of this amendment to undertake in connection with the waterway and the projects and shall have directed said authority

to undertake in its stead. The bonds authorized by this amendment shall be in addition to those authorized by that amendment to said constitution proposed by Act No. 248 adopted at the 1967 Regular Session of the legislature and ratified by the electors of the state on December 5, 1967."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940, as amended.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 8, 1976.

Passed the Senate August 16, 1976.

Act No. 282 S. 635—Owen

AN ACT

To provide a method to resolve disputes between lessors and lessees in certain types of real estate leases and to provide that arbitration shall be that method.

Be It Enacted by the Legislature of Alabama:

Section 1. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate charter to provide that it will recognize an association of its lessees and will deal with representatives of said association on any and all matters relating to leased corporate lands in any manner.

Section 2. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate charter to provide any lease agreement covering real estate shall pro-

vide that the lessee may give written notice to the lessor that he objects to the amount of the rent claimed or requested by the lessor. Upon receipt of said written notice the lessor and the lessee or any association of lessees when the individual lessee so desires shall each designate a person to be an arbitrator and the two thus chosen shall select a third. The arbitrators shall meet, and after a hearing wherein both the lessor and the lessee are allowed to present evidence, they shall fix the amount of the rent by arbitration. This determination shall be binding on both parties.

Section 3. Any corporation organized under Section 168 of Title 10 of the Code of Alabama for the purpose of demonstrating the single tax principal shall, as soon as practicable after the enactment of this act, amend its corporate charter to provide any lease agreement covering real estate shall provide that the lessee may give written notice to the lessor that he objects to the amount of the compensation for sale or transfer of improvements imposed or requested by the lessor. Upon receipt of said written notice the lessor and the lessee or any association of lessees when the individual lessee so desires shall each designate a person to be an arbitrator and the two thus chosen shall select a third. These arbitrators shall meet, and after a hearing wherein both the lessor and the lessee are allowed to present evidence, they shall fix the amount of the compensation by arbitration. This determination shall be binding on both parties. Said arbitration shall be to determine what is the fair market value.

Section 4. The provisions of this act shall apply to all leases now in effect in the State of Alabama where the lessor is a corporation organized under Section 168 of Title 10 of the Code of Alabama.

Section 5. Sections 2 and 3 of this act shall apply to all leases hereinafter executed applying to real estate in the State of Alabama where the lessor is a corporation organized under Section 168 of Title 10 of the Code of Alabama.

Section 6. This act is severable. In the event that any portion is declared unconstitutional or invalid, the remainder shall not be affected and shall be in full force and effect.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 16, 1976.

Time: 3:30 P.M.

Act No. 283 H. 1022—Johnstone, Glass, Sonnier, McCulley, McMillan, Cooper

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama amending further Amendment XVIII to said Constitution, which pertains to Mobile County and the issuance of bonds and the levy of a special ad valorem tax by said county for certain specified purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed to become a valid part of the Constitution when approved by the majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Amendment XVIII to the Constitution of Alabama, as last amended, is hereby further amended by adding the following paragraph to the end of said Amendment XVIII as it currently reads:

Mobile County shall in addition have authority under this amendment to make cash payments for the construction and improvement of hard surfaced roads, hard surfaced bridges and surface water drainage facilities, or any thereof, in said county, from any proceeds accumulated under the provisions of this amendment over and above such proceeds as are now or hereafter pledged to the payment of the principal and interest on bonds, warrants, notes or other evidence of indebtedness authorized under this amendment; provided however that no such construction or improvement work shall be started and no such cash payments shall be made unless and until such construction or improvement project, specifically named and described, has been approved by the affirmative vote of a majority of the votes cast on the question at an election in which all of the qualified electors of said county may vote; and the Probate Judge and all other appropriate election officials shall, upon application by the County Commission of said county no less than forty days prior to any such election, include on the ballot for such election the question of whether the voters do approve such specifically named and described construction or improvement project.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment.

Passed the House as Amended August 3, 1976.

Passed the Senate August 16, 1976.

Act No. 284 H.J.R. 30—Ford

HOUSE JOINT RESOLUTION

RESOLUTION NAMING THE RESIDENT HALL AT GADSDEN STATE JUNIOR COLLEGE THE LEWIS W. FOWLER BUILDING.

WHEREAS Mr. Lewis W. Fowler was a devoted community builder who served his people with great love and dedication; and

WHEREAS Mr. Lewis W. Fowler was a true Southern gentleman whose advice and counsel was sought by people in all walks of life; he was of a kindly disposition and devoted his life to the betterment of mankind; and

WHEREAS Mr. Fowler was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS Lewis Fowler was a man of many talents who contributed much to his state and to his community, who never shunned responsibility, but rather spearheaded numerous and worthwhile endeavors; and

WHEREAS Mr. Fowler was instrumental in the creation of Gadsden State Junior College and for it being located in Gadsden, Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Resident Hall at Gadsden State Junior College be henceforth named the Lewis W. Fowler Building, as a fitting tribute to the significant contributions he made toward the development of the college.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Fowler.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 285 S. 115—Fine

AN ACT

To name Alabama Highway 171 The Fuller Asbury Kimbrell Highway.

WHEREAS Mr. Fuller Asbury Kimbrell is a man of many talents who has contributed much to his state and to his community, who has never shunned responsibility but rather has spear-headed numerous and worthwhile endeavors; and

WHEREAS Mr. Fuller Kimbrell is a versatile man, sensitive to the needs of his community, and one who has contributed generously to every worthwhile endeavor for the betterment of his state and community; and

WHEREAS Fuller Kimbrell served the state with distinction and honor as a member of the state legislature; and

WHEREAS Mr. Kimbrell contributed to the continued economic prosperity of our state by serving as State Finance Director from 1954 to 1958; and

WHEREAS Mr. Fuller A. Kimbrell has been an active participant in the state Democratic Party; and

WHEREAS Mr. Kimbrell is one of Alabama's most prominent businessmen working in the construction, pipe and insurance industries; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. Alabama Highway 171 shall henceforth be named the Fuller Asbury Kimbrell Highway and the State Highway Department is directed to erect the appropriate highway signs.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 13, 1976 without approval by the Governor.

Act No. 286 H. 42—Robertson, Hines

AN ACT

Relating to products made by inmates of the Alabama Board of Corrections and the sale of such products to state institutions, departments and agencies and to political subdivisions; to authorize vocational training and rehabilitation of prisoners through work in industries at penal units under the said Board of Corrections; requiring state agencies to buy prison-made products when specifications of standards and quality are met; authorizing political subdivisions to buy directly from the Board of Corrections; prescribing the method for setting prices of prison-produced products; specifying kinds of additional information to be contained in post-audit reports of manufacturing enterprises within the prison system; authorizing an industrial revolving fund for financing prison industries, and prescribing the disposition of receipts therefrom; making it unlawful to sell prison-produced products on the open market, and specifying penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This act may be cited as the "Prison-Made Goods Act of Alabama."

Section 2. It is hereby declared to be the intent of this act:

(a) To provide more adequate, regular and suitable employment for the vocational training and rehabilitation of the prisoners of this State, consistent with proper penal purposes;

(b) To utilize the labor of prisoners for self-maintenance and for reimbursing this State for expenses incurred by reason of their crimes and imprisonment;

(c) To effect the requisitioning and disbursement of prison products directly through established state authorities without possibility of private profits therefrom.

Section 3. The Alabama Board of Corrections is authorized to purchase in the manner prescribed by law, equipment, raw materials and supplies, and to engage the supervisory personnel necessary to establish and maintain for this State at the penitentiary or any penal farm or institution now or hereafter under the control of said Board, industries for the utilization of services of prisoners in the manufacture or production of such articles or products as may be needed for the construction, operation, maintenance or use of any office, department, institution or agency supported in whole or in part by this State and the political subdivisions thereof.

Section 4. On and after the effective date of this act, all offices, departments, institutions and agencies of this State which are supported in whole or in part by this State shall purchase from the Alabama Board of Corrections all articles or products required by such offices, departments, institutions,

agencies, or political subdivisions of this state, produced or manufactured by the said Board of Corrections with the use of prison labor, as provided for by this act, and no such article or product may be purchased by any such office, department, institution or agency from any other source, unless excepted from the provisions of this section as hereinafter provided. All purchases made by state agencies shall be made through the Finance Department upon requisition by the proper authority of the office, department, institution or agency. Political subdivisions of this State may purchase directly from the Board of Corrections.

Section 5. At least thirty (30) days prior to a final decision by the Board of Corrections to obligate any funds to initiate manufacturing in an industry in which it has not been engaged in the past, the Board shall issue a press release stating such intent and provide written notice to various trade associations in Alabama calling for a public hearing of all interested parties. The intent of this provision is to give the Board of Corrections the benefit of input from parties who may be effected by the Board's decisions but final decision-making authority rests with the Board.

Section 6. Any article or product manufactured by the Board of Corrections for sale through the Finance Department to any office, department, institution or agency of the State or to any political subdivision thereof, shall be manufactured or produced only upon State specifications developed by and through the Finance Department. However, if such specifications have not been developed by the Department then production may be based upon commercial specifications in current use by industry for the manufacture of such articles and products for sale to the State and political subdivisions thereof which have first been approved by the Finance Department. For purposes of this act, State specifications and commercial specifications approved by the Finance Department shall mean the latest complete version of any specification including amendments thereto.

Section 7. Exceptions from the operation of the mandatory provisions in Section 4 hereof may be made in the case of articles or products produced or manufactured in work shops or home industries develped, supervised or maintained by the Adult Blind department of the Alabama Institute for Deaf and Blind, or in any case wherein, the opinion of the Finance Department, the article or articles or product or products produced or manufactured under the supervision of the Board of Corrections do or do not meet the reasonable requirements of or for such offices, departments, institutions, agencies, or in any case where the requisitions made cannot be reasonably

complied with. No such office, department, institution, or agency shall be allowed to evade the intent and meaning of this section by slight variations from standards adopted by the Finance Department when the articles or products produced or manufactured by the Board of Corrections, in accordance with established standards, are reasonably adapted to the actual needs of such office, department, institution, or agency.

Section 8. The Board of Corrections shall cause to be prepared, at such times as it may determine, catalogues containing an accurate and complete description of all articles and products manufactured or produced by it pursuant to the provisions of this act. Copies of such catalogues shall be sent to all offices, departments, institutions and agencies of this State and made accessible to all political subdivisions of this State referred to in the preceding sub-paragraphs. At least thirty (30) days before the beginning of each fiscal year, the Finance Department shall provide to the Board of Corrections summary reports of the kind and amount of articles and products purchased for state offices, departments, institutions, and agencies based upon the previous nine months experience. Not more than one hundred (100) days following the close of each fiscal year, the Finance Department shall submit to the Board of Corrections a report showing the kinds and amounts of such prison manufactured articles purchased by all state offices, departments, institutions, and agencies based upon the purchase experience of the entire previous fiscal year. All such reports shall refer, insofar as possible, to the items or products contained in the catalogue as issued by the Board of Corrections. The Finance Department may at any time request the Board of Corrections to manufacture or produce additional articles or products.

Section 9. In keeping with the primary objective of vocational training and rehabilitation of prisoners, the articles or products manufactured or produced by prison labor in accordance with the provisions of this act shall be devoted, first, to fulfilling the requirements of the offices, departments, institutions and agencies of this State which are supported in whole or in part by this State; and secondly, to supplying the political subdivisions of this State with such articles and products.

Section 10. The Board of Corrections and the Finance Department shall fix and determine the prices at which all articles or products manufactured or produced shall be furnished.

Section 11. In addition to the information ordinarily required by law in the annual audits of expenditures and operations of the Board of Corrections made by the State Auditor, after the effective date of this act such annual audit reports

shall also include a detailed statement of all materials, machinery or other property procured, and the cost thereof, and the expenditures made during the audited year for manufacturing purposes, together with a statement of all materials on hand to be manufactured, or in process of manufacture, or manufactured, and the values of all machinery, fixtures or other appurtenances for the purpose of utilizing the productive labor of prisoners, and the earnings realized therefrom during the year.

Section 12. The Board of Corrections shall have the power and authority to prepare and promulgate policies which are necessary to give effect to the provisions of this act with respect to matters of administration respecting the same.

Section 13. In order to carry out the provisions of this act, the Legislature shall authorize in its annual appropriations an industrial revolving fund, and set the amount therein, for the use of the Board of Corrections; and said Board is authorized to expend such monies out of appropriations for said revolving fund as may be necessary to erect buildings, to improve existing facilities, to purchase equipment, to procure tools, supplies and materials, to purchase, install or replace equipment, and otherwise to defray the necessary expenses incident to the employment of prisoners as herein provided.

Section 14. All monies collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor in accordance with the provisions of this act, shall be forthwith deposited with the State Treasurer to be kept and maintained in the industrial revolving fund authorized by this act, and such monies so collected and deposited shall be used solely for the purchase of raw materials, manufacturing supplies, equipment, machinery and buildings used to carry out the purposes of this act, to otherwise defray the necessary expenses incident thereto, including the employment of such necessary supervisory personnel as is unavailable in the prison inmate population, all of which shall be subject to the approval of the Board of Corrections; provided, however, that said industrial revolving fund shall never be maintained in excess of the amount necessary to carry out efficiently and properly the intentions of this act. When, in the opinion of the Governor and the Legislature said industrial revolving fund has reached a sum in excess of the requirements of this act, such excess shall be transferred by the Board of Corrections to the State General Fund.

Section 15. On and after the effective date of this act, it shall be unlawful to sell or offer for sale on the open market of this State, any articles or products manufactured wholly or in part, in this or any other State by prisoners of this State

or any other State, except prisoners on parole or probation; however, the Board of Corrections shall have the power to authorize the commissioner of the Board of Corrections to sell and dispose of all surplus agricultural products and all personal property owned by the Board of Corrections, which have not been manufactured by the Board for the purpose of sale, at such prices and on such terms and under such rules and regulations as it deems best to adopt. The Board of Corrections shall continue to exercise its rights and privileges relative to the sale and disposal of serviceable state personal property no longer needed by state agencies.

Section 16. Any person who wilfully violates the provisions of Section 14 of this act shall be guilty of a misdemeanor, and upon conviction, shall be confined in jail not less than ten days nor more than one year, or fined not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00) or both, in the discretion of the Court.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are hereby repealed. However, nothing contained herein shall be construed to affect Act No. 542, H. 3044, 1955 Regular Session (Acts 1955, p. 1197).

Section 19. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on August 13, 1976 without approval by the Governor.

Act No. 287

H. 912—Smith (C)

AN ACT

To require that funds appropriated for instructional supplies and materials in Act 129, 1975 Fourth Special Session be released to school systems which collected fees prior to the date of enactment of Act 129 on November 18, 1975; and that after the date of enactment, if fees were collected, a system's allocation be reduced only by the amount of the fees collected.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Board of Education shall allocate to each local city and county board of education its share of funds provided for instructional supplies and material in Act 129 (1975 Fourth Special Session) Section 3,S,(d). Local city or

county school systems shall not be penalized for collecting fees prior to the enactment of Act 129 on November 18, 1975.

Section 2. Any local county or city school system which collected fees after November 18, 1975, shall have its state allotment for instructional supplies and materials reduced by the amount collected in fees. Should any county or city school system be so penalized, the reduction in funds shall be limited to the schools which collected the fees and shall not be shared equally by all schools within the system.

Section 3. In the future, so long as there is an appropriation for instructional supplies and materials, the provisions as set out in Section 2 above shall remain in effect.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 2:30 A.M.

Act No. 288 H.J.R. 36—Baker, Whatley, Higginbotham

HOUSE JOINT RESOLUTION

ENCOURAGING PHENIX CUTTING AND SEWING PLANT, INC., TO REMAIN IN PHENIX CITY, ALABAMA.

WHEREAS the Alabama legislature has noted with deep regret the destruction of Phenix Cutting and Sewing Plant, Inc. and the tragic death of several of its employees; and

WHEREAS this industry has contributed greatly to the prosperity of the state and the Phenix City community; and

WHEREAS the Phenix Cutting and Sewing Plant, Inc. has provided admirable leadership in the business community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily encourage the Phenix Cutting and Sewing Plant, Inc. to rebuild in Phenix City, Alabama and to continue to provide its fine leadership in the business community to this town.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the owners of the Phenix Cutting and Sewing Plant, Inc.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 289 H.J.R. 47—Moore (O)

HOUSE JOINT RESOLUTION

EXPRESSING CONCERN AND OPPOSITION TO PROPOSED PLANS TO CLOSE NUMEROUS SMALL AND RURAL POST OFFICES

WHEREAS the proposed comprehensive reorganization plans of the U. S. Postal Service call for the closing of numerous small and rural post offices throughout the country; and

WHEREAS such plans if adopted will close numerous small post offices throughout this state thereby inconveniencing thousands of our rural citizens and in all likelihood further delaying the delivery of mail; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama go on record this day as being vitally opposed to such plans of the U. S. Postal Service and hereby urges all Alabama Congressmen and Senators to vociferously oppose such plans and exert every means of influence available to persuade the U. S. Postal Service to develop an alternative proposal.

BE IT FURTHER RESOLVED That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 290 H.J.R. 62—Martin

HOUSE JOINT RESOLUTION

URGING CONGRESS TO SUPPORT THE GENERAL REVENUE SHARING PROGRAM.

WHEREAS, the General Revenue Sharing Program was enacted in 1972 as a new experiment in the Federal grant system; and

WHEREAS, the General Revenue Sharing Program has brought approximately one hundred million dollars in Federal funds to the State of Alabama and its counties and municipalities each year since the program was enacted; and

WHEREAS, the funds supplied by the General Revenue Sharing Program have benefitted the people of Alabama by allowing the State and its local governments to deal with their most pressing needs; and

WHEREAS, the General Revenue Sharing Program gave these monies to the counties without the limitations which were to detrimental and restrictive to categorical Federal grants; and

WHEREAS, the Alabama Congressional Delegation has supported and is strongly supporting the General Revenue Sharing Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do commend the Alabama Congressional Delegation for their support of the General Revenue Sharing Program and do encourage them to do their utmost to preserve the Federal General Revenue Sharing Program in its entirety.

BE IT FURTHER RESOLVED That the Clerk of the House send a copy of this resolution to each member of the Alabama Congressional Delegation.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 291 H.J.R. 73—Johnson, Robertson

HOUSE JOINT RESOLUTION

RELATIVE TO NEED FOR HEALTH CARE FACILITIES IN WEST ALABAMA.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, THE SENATE CONCURRING, That the project committee, the executive board and the entire West Alabama Health Council is hereby urged to recognize the widespread community support for the opening of West Alabama General Hospital, formerly known as "Peoples Hospital of Northport," and to recommend to the State

Department of Health that an assurance of need be granted that hospital. They are also further urged to recommend to the State Department of Health that it amend the Master Hospital Plan of the State so as to be able to grant the necessary allocation of beds to West Alabama General Hospital.

BE IT FURTHER RESOLVED That the Legislature hereby urges the State Department of Health to recognize the need for health care facilities in the West Alabama area and to recognize that competition between health care facilities is in the best interest of the consumer, and for such reasons the Legislature hereby urges the State Department of Health to amend the State Master Hospital Plan as to the number of beds needed in West Alabama and also to grant the necessary certificate of need to the West Alabama General Hospital.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the State Department of Public Health and a copy thereof to the West Alabama Health Council.

Approved August 18, 1976.

Time: 6:30 P.M.

At No. 292 H.J.R. 276—Starkey

HOUSE JOINT RESOLUTION

COMMENDING THOSE PEOPLE INSTRUMENTAL IN THE SUCCESSFUL SCOTTSBORO BICENTENNIAL CELEBRATION

WHEREAS, Carlus Page, Chairperson of the Scottsboro Bicentennial Committee, selected Lewis W. Page, Robert S. Thomas, Helen Kern, Herbert Kern, William Strain, Robert McLaughlin, William R. Best, H. B. "Bud" Cannon, Dr. John D. Hall, Ann Barbee Chambless, Walter Hammer, Larry Smith, Emma L. Lovelady, Marvin H. Martin, Elberta Clark Page, W. W. Aydelott and Mrs. Judy Proctor to form the Scottsboro Bicentennial Committee, which worked in conjunction with Mayor John T. Reid to produce a remarkable program for the bicentennial year; and

WHEREAS, this committee is responsible for the scheduling of the Tennessee Bicentennial South which drew 3,000 people to Scottsboro for the display and should be praised for winning first prize for the best float in the Scotttsboro downtown Christmas parade; presenting a slide presentation of historical sites in Jackson County on regional television; working with the Fortnightly Book Club of Scottsboro to match a federal grant for

the public library; erecting a statue of Andrew Jackson in a joint venture with Walt Hammer; welcoming "Adventure II," a re-enactment of John Donelson's float into Nashville to settle it; planning a "Bell Ringing" ceremony on July 4th; presenting a replica of "The Best Friend Charleston," the first steam locomotive to pull a train of cars in regular service on the American continent; and entering the Alabama Bicentennial Belle Pageant; and

WHEREAS, the Scottsboro Bicentennial Committee was able to accomplish all these projects out of a desire to celebrate successfully our country's two hundredth birthday; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body applauds the great deal of time and effort devoted by the Scottsboro Bicentennial Committee for an exceptional bicentennial year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Chairperson Carlus Page and to the other members of the Scottsboro Bicentennial Commission.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 293 H.J.R. 281—Merrill, Shelton, Holmes (D), Quarles, Drake, Dial

HOUSE JOINT RESOLUTION

DESIGNATING A CERTAIN PORTION OF HIGHWAY 21 "THE JACKSONVILLE STATE UNIVERSITY HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 21 from the southern line of Calhoun County to a point ten miles north of Jacksonville, Alabama be named, designated and known as "The Jacksonville State University Highway."

RESOLVED FURTHER, That the state highway department shall cause appropriate markers to be erected along the route so designated by this resolution.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 294 H.J.R. 293—Folmar, Holley, Smith (J)

HOUSE JOINT RESOLUTION

HONORING JUDGE ERIS F. PAUL UPON HIS RETIREMENT

WHEREAS, Judge Eris F. Paul has faithfully served the twelfth judicial circuit for twenty-four years; and

WHEREAS, Judge Paul formerly served at the District Attorney for the circuit before becoming judge; and

WHEREAS, Judge Eris Paul is a graduate of the University of Alabama Law School, and is a member of the Farrah Order of Jurisprudence; and

WHEREAS, Judge Paul is a board member emeritus of the Board of Trustees of the University of Alabama; and

WHEREAS, Judge Paul, a beloved member of the legal profession, is working to raise the high ideals and standards of today's youth; and

WHEREAS, Judge Eris Paul exemplifies the high qualities of the legal profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we thank Judge Eris F. Paul, and wish him a long, happy and richly deserved retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Judge Paul and his lovely wife, Jean.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 295 H.J.R. 327—Roberts

HOUSE JOINT RESOLUTION

DESIGNATING THE GYMNASIUM AT FALKVILLE HIGH SCHOOL THE TOM DRAKE GYMNASIUM

WHEREAS the citizens of Falkville and neighboring areas of South Morgan and East Cullman Counties have been well represented in the State Legislature by Representative Tom Drake for the past fourteen years, benefiting from his dedicated hard work and shrewd political acumen; and

WHEREAS this friendly and outgoing man of the people

has shown the uncommon ability to excel in many areas at once, simultaneously and very successfully carrying on careers as public servant, lawyer and professional athlete; and

WHEREAS Tom Drake's indomitable spirit and keen perception have served him well in each of his chosen fields, as shown by his position as chairman of the powerful Rules Committee of the House of Representatives, his successful law practice in Cullman, and his many honors won for athletic prowess, both as college wrestler and little All-American football player at Chattanooga, as a national olympic wrestling finalist in 1952, as a coach at the University of Alabama under Athletic Director Paul "Bear" Bryant, and as a popular professional wrestler; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, with every confidence that with this naming of their home court the Falkville Blue Devils will become heir to the fighting spirit and will to excel of Tom Drake, we hereby designate the Gymnasium at Falkville High School the "Tom Drake Gymnasium."

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 296 H. 159—Malone, McMillan

AN ACT

Naming the football field at Satsuma High School in Mobile County the "Ben S. Copeland Field".

Be It Enacted by the Legislature of Alabama:

Section 1. The football field at Satsuma High School in Mobile County is hereby officially named the "Ben S. Copeland Field."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 297 H.J.R. 331—Crowe, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Roberston, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt

HOUSE JOINT RESOLUTION

EXPRESSING APPRECIATION TO THE MEMBERS OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA WHO PARTICIPATED IN THE "PHYSICIAN FOR A DAY" PROGRAM

WHEREAS, The Medical Association of the State of Alabama has coordinated the "Physician for a Day" program during this Session of the Legislature, and has furnished the Legislature with the voluntary services of its member physicians on each legislative day and when numerous committee meetings were scheduled, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Legislature does now convey its deep appreciation to the members of the Medical Association of the State of Alabama who participated in the "Physician for a Day" program for this unselfish act of public service.

Be IT FURTHER RESOLVED that copies of this Resolution be sent to the Medical Association of the State of Alabama for distribution to these volunteer physicians.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 298 H.J.R. 78—Reed

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS TO PASS HOUSE BILL 5626 THAT ALLOWS FOOD STAMP RECIPIENTS TO PURCHASE SEED FROM GARDEN SUPPLY STORES.

WHEREAS the cost of food continues to rise; and

WHEREAS it is important for Americans to grow some of their own food; and

WHEREAS growing one's own food instills the "back to nature" movement and saves the consumer money; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the United State Congress is hereby memorialized to pass House Bill 5626 allowing food stamp recipients to use twenty dollars of stamps to buy seed and supplies to grow enough food to eat, can and freeze.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Vice President of the United States, the President Pro Tempore of the Senate, the Speaker of the House, and to each member of the Alabama delegation with the request that this resolution be read in both Houses of Congress.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 299 H.J.R.—Carter

HOUSE JOINT RESOLUTION

NAMING THE BASEBALL FIELD AT ATHENS STATE COLLEGE THE "JOHN W. MOORE FIELD".

WHEREAS, John W. Moore was Limestone County's Road Commissioner District One at the time of his death in August 1975; and

WHEREAS, John W. Moore devoted much of his time and energy in helping Athens State College become a state institution; and

WHEREAS, John W. Moore provided his assistance in the planning and up-keep of the baseball field at Athens State College; and

WHEREAS, John W. Moore was sensitive to the needs of his community, and one who contributed generously to worthwhile endeavors for the betterment of his area; and

WHEREAS, John W. Moore left many friends in Athens who strongly advocate that their baseball field at Athens State College be named the "John W. Moore Field"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the baseball field at Athens State College be named the "John W. Moore Field" in honor of the late John W. Moore.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Sidney E. Sandridge, President at Athens State College, to the Boaard of Trustees, Athens State College, and to Mrs. Pat Shaw at the main office of the college.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 300 H.J.R. 100—Cooper, Manley, Morris, Smith (B), Johnstone, Venable

HOUSE JOINT RESOLUTION

REQUESTING STATE AGENCIES TO FILE MORE SIMPLE ANNUAL REPORTS.

WHEREAS, the legislature receives numerous annual reports from state agencies each year; and

WHEREAS, some of these annual reports are entirely too "fancy"; and

WHEREAS, it is very evident that a number of state employees have spent much valuable time in the layout and preparation of these reports; and

WHEREAS, they contain much propaganda and many pictures about the state agency furnishing the report; and

WHEREAS, the only thing required by law is a simple facts and figure report to the legislature, which is all the legislature desires; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That state agencies are hereby requested to stop wasting state funds in the preparation of fancy annual reports and to submit simple facts and figures to the legislature therein.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the head of every state agency.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 301 H.J.R. 201—Lutz

HOUSE JOINT RESOLUTION

WHEREAS, it is desirable that the citizenry of the United States and other countries traveling north or south on Interstate Highway number 65 be made familiar with the route to the Alabama Space and Rocket Center, a space oriented museum, owned and operated by the State of Alabama; and

WHEREAS, it would be advantageous to the Alabama Space and Rocket Center in fulfilling its mission to the general public for members of the public to be able to readily locate a convenient route to the Alabama Space and Rocket Center.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both houses thereof concurring, that the portion of Alabama Highway number 20 and United States Highway number 71 (alternate), extending eastward from Interstate Highway number 65 to its intersection with Bob Wallace Avenue in the City of Huntsville, Alabama is hereby designated SPACE MUSEUM BOULEVARD, and

BE IT FURTHER RESOLVED, that all highway signs and maps shall so indicate this designation.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 302 H.J.R. 227—Smith (C)

HOUSE JOINT RESOLUTION

PETITIONING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION REQUIRING THAT FEDERAL SPENDING NOT EXCEED ESTIMATED FEDERAL REVENUES.

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the applicaion of the legislatures of two-thirds (2/3) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (3/4) of the several states, or by conventions in three-fourth (3/4) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a

national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

BE IT FURTHER RESOLVED, That, alternatively the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

FURTHER RESOLVED, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D. C., and the Secretary of the United States Senate, Washington, D. C., and to each member of the Alabama Congressional Delegation.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 303 H.J.R. 275—Kinsey, McMillan

HOUSE JOINT RESOLUTION

NAMING THE NEW INTERCOSTAL CANAL BRIDGE ON HIGHWAY 59 IN BALDWIN COUNTY THE "DR. W. C. HOLMES BRIDGE"

WHEREAS, Dr. William C. Holmes received his B.S. Degree from the University of Alabama and his M.D. Degree from Tulane University; and

WHEREAS, Dr. W. C. Holmes, who practiced medicine in Foley, Alabama from 1925 until his death in May, 1961, founded Sibley Holmes Memorial Hospital in 1933; and

WHEREAS, Dr. Holes, who became the first Medical Director of South Baldwin Hospital, was elected to the Alabama State

Senate in 1938 representing Baldwin, Escambia, and Monroe Counties and later served at President of the Gulf States Marine Fisheries Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new intercoastal canal bridge located on highway 59 in Baldwin County be named the "Dr. W. C. Holmes Bridge" in honor of Dr. William C. Holmes.

BE IT FURTHER RESOLVED, That the Alabama Highway Department is directed and authorized to erect and maintain appropriate signs and markers along said bridge so designating it.

FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Charles Alexander of the Highway Department.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 304 H.J.R. 279—Dial, Teague, Holmes (D), McCluskey, Moore (O), White, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B) Smith (C),

Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams, Wyatt

HOUSE JOINT RESOLUTION

CONGRATLUATING JENNIFER CHANDLER UPON WINNING AN OLYMPIC GOLD MEDAL.

WHEREAS, the State of Alabama has been distinguished before the entire world by the gold medal performance of Jennifer Chandler of Lincoln, Alabama, at the Olympic Games in Montreal; and

WHEREAS, this seventeen-year-old young lady, who will be a senior at Anniston Academy in Anniston, Alabama, this Fall, dazzled the entire world and totally overwhelmed her competition with perfectly executed dives for which she was awarded the gold medal for three-meter springboard diving; and

WHEREAS, all Alabama is extremely proud of this young lady from Lincoln, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Jennifer Chandler upon winning the gold medal for three-meter diving at the XXI Olympiad, and hereby express the appreciation of the people of Alabama for the glory which redounds to Alabama because of her magnificent performance.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Jennifer, her parents, and her diving coach.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 305 H. 1150—Turnham, Williams, Carothers, Sasser, Smith (J)

AN ACT

To name Alabama Highway 10 from Abbeville to Fort Gaines the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia as the Buddy Crawford Bridge.

WHEREAS, Rep. James F. "Buddy" Crawford served the City of Abbeville as its Mayor for many years; and

WHEREAS, Rep. James F. "Buddy" Crawford has represented his state and community well as a member of this body since 1962; and

WHEREAS, this body wishes to honor Rep. Crawford for his dedicated work; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of Alabama Highway 10 from Abbeville to Fort Gaines is hereby designated as the Buddy Crawford Highway and the bridge on Highway 10 between Alabama and Georgia is hereby designated as the Buddy Crawford Bridge.

Section 2. The Director of the State Highway Department is hereby authorized and directed to erect appropriate signs and markers along the above described highway and bridge displaying the name hereby established.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 306 H. 464—Owens, Sonnier, Smith (C), Kelley, Crowe, Carter, McCulley, Edwards, Williams, Higginbotham, Jackson (F), McNees

AN ACT

To regulate further the rates to be charged for publication of legal notices by amending further Code of Alabama 1940, Title 7, Section 718, as amended; and by amending further Act No. 793, S. 117, Regular Session 1953 (Acts 1953, p. 1086), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 7, Section 718, as amended, is hereby amended further to read as follows:

"Section 718. Cost of publication.—Not more than seven cents per word for the first insertion, and six cents per word for each subsequent insertion of a legal notice or advertisement must be charged or allowed; but in case it is advisable to advertise in daily newspapers, any person required to advertise such notice may contract with such papers to charge their then current published commercial rates, and the insertion must not be oftener than once a week, unless in certain cases of sales under a decree of the circuit court in equity, the court shall otherwise order. Each amount or number expressed in figures and each initial letter shall constitute one word. The year,

month, and day shall each constitute one word, in all three words. In estimating the number of words in a notice, an appropriate caption may be included; but no memorandum of the printer must be included."

Section 2. Section 2 of Act No. 793, S. 117, Regular Session 1953, (Acts 1953, p. 1086) is hereby amended to read as follows:

"Section 2. Newspapers of this state shall not charge, nor shall any agency required to cause publication to be made pay, more than seven cents a word for the first insertion and six cents a word for each subsequent insertion; provided that the current published commercial rate may be contracted for when the publication is made in a daily newspaper. When any matter or material is required to be published in tabular form, the rate to be charged and paid shall not exceed the nationally published rate."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1976.

Time: 2:30 P.M.

Act No. 307 H. 980—Manley, Cross, Roberts, Mitcham, Martin, McCluskey, Callahan, Higginbotham, Kinsey, Merrill, Teague, Sandusky, McMillan, Sonnier, Harris, Plaster, Hines, Barron, Crowe, Narramore, Carter, Owens

AN ACT

This Bill authorizes the State of Alabama Highway Department to establish and supervise a state plan for safe, effective and efficient rail transportation services; to perform all planning necessary pursuant to the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, and any subsequent federal legislation, rules or regulations; authorizes the expenditure of federal funds and a nominal amount of State funds for this program; and make the necessary appropriation from the General Fund of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act may be cited as the State Rail Preservation Act.

Section 2. Definitions. When used in this Act the following words and phrases shall have the meaning respectively ascribed to them by this section.

(1) "Department" means the State of Alabama Highway Department.

(2) "Includes" and variants of it, should be read as if the phrase "but is not limited to" was also set forth.

(3) "Person" means an individual, corporation, partnership, or foreign and domestic associations.

(4) "Rail properties" means assets or rights, both real and personal, owned, leased, or otherwise controlled by a railroad which are used, or useful, in providing rail transportation service.

(5) "Rail service" means both freight and passenger service.

Section 3. The Department is hereby authorized to exercise those powers necessary for the State to qualify for rail service continuation subsidies and for rail safety subsidies which are or may become available pursuant to the provisions and regulations of the federal Rail Revitalization and Regulatory Reform Act of 1976 and any subsequent federal legislation, rules or regulations, including the authority:

(1) to establish a state plan for rail transportation services, as part of an overall plan for all transportation services in the State;

(2) to administer and coordinate the state plan;

(3) to provide in the plan for the equitable distribution of federal rail service continuation subsidies;

(4) to promote, supervise, and support safe. adequate, and efficient rail service;

(5) to employ sufficient trained and qualified personnel for these purposes;

(6) to maintain adequate programs of investigation, research, promotion, and development in connection with such purposes and to provide for public participation therein;

(7) to reduce transportation related energy utilization and pollution in compliance with State and federal regulations;

(8) to provide satisfactory assurances on behalf of the State that such financial control and fund accounting procedures will be adopted by the State as may be necessary to assure proper use of federal funds paid to the State as rail service continuation subsidies;

(9) to comply with the regulations of the federal Department of Transportation affecting federal rail service continuation programs;

(10) to do all things necessary to maximize federal assistance to the State upon the provisions of Section 5 of the federal Department of Transportation Act.

Section 4. The Department is hereby authorized to expend federal funds, now available under the provisions of the federal Rail Revitalization and Regulatory Reform Act of 1976, any other funds that may become available pursuant to subsequent legislation or any funds appropriated by the Legislature, for the purposes outlined in Section 3 of this Act. The Department may also act as the agent in cooperation with any local or regional transportation authority, local governmental units, any group of rail users, or any persons, and the federal government in any rail service continuation program.

Section 5. The Department in performing its planning function is authorized to request any railroad to provide such data and information as are necessary for the planning process. The Department shall make every effort to ensure that such requests are compatible with the information requested by similar agencies in other states and by the federal Department of Transportation. Railroads operating within the State shall provide such information within 60 days of the date of the request. The Department is hereby authorized to reimburse the railroads for all reasonable and necessary expenses incurred in gathering and compiling the data provided that it is determined by the Department such funds are available and the costs are substantiated by the railroads. The Department shall exercise all necessary caution to avoid disclosure of confidential information supplied under this section.

Section 6. Any sums of money necessary to supplement available federal funds to provide for those activities numerated under Section 3 are hereby appropriated. The appropriation is non-lapsing and shall be expended by the Department for only those purposes included in this Act.

Section 7. The Department shall promulgate rules and regulations consistent with and for the purpose of adequately implementing the foregoing subdivisions of this Act.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1976.

Time: 2:30 P.M.

Act No. 308 H. 966—Gafford

AN ACT

To amend Act No. 431, Ex Sess., 1966, relating to restrictions on the sale of groceries on Sunday in each county having a population of 500,000 or more according to the last or any succeeding federal census, so as to increase the maximum number of employees that may be employed in a store authorized to stay open on Sunday from four to six.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 431, Ex. Sess., 1966, an act relating to the sale of groceries on Sunday in counties of population exceeding 500,000 according to the 1970 or any subsequent federal census, are hereby amended to read as follows:

"Section 1. Declaration of Legislative finding and policy: The maintenance of the public health is of vital importance to the general welfare of the State and its people. This is particularly true where there are large concentrations of population. For the protection of the public health and general welfare it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this Act applies. This can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday which is generally recognized and observed as a day of rest. Section 420, Title 14, Code of Alabama, 1940, as amended, has made unlawful the general performance of labor and other activities on Sunday and has provided penalties for the violation thereof subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. The Legislature further finds and declares that in order to enjoy such a day of rest and relaxation that the public should be given the right as an additional exception to said Section 420 to purchase on Sunday goods usually and normally sold in grocery stores subject to reasonable restrictions on the number of employees that may be employed in such stores selling such goods on Sunday. It is further the finding of the Legislature that a reasonable restriction on the number of employees would be to permit to remain open on Sunday for the sale of such goods only those stores that have no more than six employees on duty at any one time on Sunday. The Legislature further finds that there is a public necessity

for the purchase on Sunday of merchandise usually and normally sold in grocery stores and that this necessity must be met but that reasonable restrictions as set out above should be placed thereon.

"Section 2. It shall be lawful for any grocery store to remain open on Sunday in each County in the State having a population of 500,000 or more according to the last or any succeeding federal census providing that such grocery store does not have on duty in such store more than six employees at any one time on Sunday; provided that each such grocery store shall first obtain a special license to operate on Sunday from the license issuing officer of such County. The license issuing officer of such County shall issue a license only to such individual grocery stores or outlets as shall pay a license fee of $25 and only to such individual grocery stores or outlets in each community as are determined to be required by the public convenience and necessity. All license fees shall be paid into the general fund of such County."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 19, 1976.

Time: 4:30 P.M.

Act No. 309 H.J.R. 291—Johnson, Lee, Robertson, Howard, Owens

HOUSE JOINT RESOLUTION

COMMENDING MR. JERRY BELK AND THE BOARD AND STAFF OF TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY

WHEREAS the citizens of Tuscaloosa County have been blessed with some of the finest recreational facilities within the state; and

WHEREAS these citizen's have enjoyed the band concerts, arts and craft festivals, children day camps, cultural happenings, senior citizen events, ball fields, tennis courts and swimming pools provided by the Tuscaloosa County Park and Recreation Authority; and

WHEREAS P.A.R.A. in the true spirit of government serving the people has provided recreational services to all citizens regardless of race or financial status and has also offered equal job opportunities to all citizens; and

WHEREAS under the leadership of Mr. Jerry Belk the Tuscaloosa County Park and Recreation Authority has grown from a few softball fields into a multi-recreational service with the goal of providing activities of interest to all segments of the population; and

WHEREAS this legislature wishes to acknowledge Mr. Jerry Belk, his dedicated staff and the P.A.R.A. board of directors for their diligent efforts in providing the citizens of Tuscaloosa County with recreational services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend Mr. Jerry Belk, his staff and the Board of Directors of the Tuscaloosa Park and Recreation Authority for their service to the citizens of Tuscaloosa County.

BE IT FURTHER RESOLVED That copies of this resolution be sent to Mr. Belk, his staff and the Board of Directors.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 310 H. 967—Weeks, McNees

AN ACT

Relating to counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census; to provide further for the salary of the county superintendent of education of such counties; to provide that the provisions of this act shall become efective July 1, 1977.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 22,575 nor more than 23,800 inhabitants according to the most recent federal decennial census.

Section 2. The county superintendent of education in such counties shall receive an annual salary in the amount of $20,000 to be paid in equal monthly installments and shall be paid out of such funds as is the current compensation of the county superintendent of education.

Section 3. The provisions of this act shall become effective July 1, 1977.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 311 H. 1004—Mitchem

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Albertville in Marshall County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

SE ¼ of SE ¼, NE ¼ of SE ¼ and the SE ¼ of NE ¼ of Section 8, Township 9 South, Range 4 East; also the NE ¼ of the NE ¼ of Section 17, Township 9 South, Range 4 East.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 312 H. 1005—Mitchem

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Albertville in Marshall County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

NE ¼ of NW ¼, Section 13, Township 9 South, Range 4 East.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 313 H. 1006—Mitchem

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Albertville, in Marshall County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Albertville in Marshall County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of Section 22, Township 9 South, Range 4 East, that lies North of the Cherokee Boundary Line; also the SW ¼ of NW ¼, NE ¼ of SW ¼, NW ¼ of SE ¼ and all that part of Quarter Sections SE ¼ of NW¼, SW ¼ of NE ¼, NE ¼ of SE ¼ that lies South of the Cherokee Boundary Line.

NW ¼ of NW ¼, NE ¼ of NW ¼, NW ¼ of NE ¼, NE ¼ of NE¼, SW ¼ of NW ¼, SE ¼ of NW ¼, NW ¼ of SW ¼, NE ¼ of SW ¼, NW ¼ of SW ¼, NE ¼ of SE ¼ of Section 27, Township 9 South, Range 4 East.

NW ¼ of NW ¼, NE ¼ of NW ¼ and all that part of the NW ¼ of NE ¼, SW ¼ of NE ¼ that lies West of the East Boundary of L. & N. Railroad; also beginning at the Southwest corners of the Northwest Fourth of the Northwest Fourth of Section 23, Township 9 South, Range 4 East, thence East 957 feet to the beginning point; thence South 591; thence East 363 feet; thence South 8.9 feet; thence South 73 Degrees East 1460.5 feet to a point on the East Boundary Line of the Southeast fourth of the Northwest fourth; thence North to the Northeast corner of the Southeast fourth of the Northwest fourth; thence West approximately 1683 feet to the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 314 H. 1027—Holley, Jackson (F)

AN ACT

Relating to Covington County Board of Education; providing for an increase in mileage allowances for members of the board in the performance of their duties; and providing for the payment of such funds out of the educational funds of the county treasury in the same manner as now provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the Covington County Board of Education traveling on official business of the board shall receive the same rate reimbursement per mile as paid by the state of Alabama.

Section 2. Such mileage allowance shall be paid out of the educational funds from the county treasury in the same manner as now provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 315 H. 122—Waggoner

AN ACT

Relating to all counties having a population of 600,000 or more according to the most recent federal decennial census; authorizing the governing body in such counties to provide for the microfilming or photographic reproductions of all records, books, papers or other

writings or documents required by law to be maintained or in the custody of such tax collector; providing that such microfilmed or photographed records or documents shall have the same force and effect at law as the original documents; providing for the admissibility into evidence of such records or documents; authorizing such tax collectors to furnish such copies to the public, certifying to the authenticity and correctness of same, and to charge for costs therefor; providing for the disposition of the original records or documents after microfilm or photographic reproductions have been made; authorizing the cost for implementing the provisions hereof be paid from the general fund of the county; and repealing all laws conflicting with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act applies to all counties having a population of 600,000 or more according to the most recent federal decennial census.

Section 2. As used in this act, unless the context requires a different meaning: "County" means any county subject to this act; "the tax collector" means the tax collector of the county; "document" means any book, record, file, report, application, receipt, notice, paper, other writing or any other document the tax collector is required to maintain or keep in his custody.

Section 3. In all counties to which this act applies, the governing body of such county is authorized to provide for the microfilming or photographic reproductions of all documents required by law to be maintained or in the custody of such tax collector. Such reproductions shall be retained and kept by such tax collector in lieu of the originals of such documents which he is required to maintain or keep in his custody. Such tax collector is authorized to destroy or cause to otherwise dispose of any such original documents, which have been reproduced by the provisions of this act, after the expiration of two years from the date of receipt by him.

Section 4. Such microfilm copies, photostat copies, or other similar photographic reproductions of such documents shall for all purposes be deemed to be and have the force and effect at law of the original document, and shall be received in evidence in any court where such original document, or document made by other legally authorized means, could have been introduced and received.

Section 5. The tax collector is authorized to make copies of documents, as provided in this act, to furnish such copies to the public, and to certify the authenticity and correctness of the same. He is authorized to charge the public the cost therefor.

Section 6. All funds necessary and incidental for the implementation of this act shall be paid out of the general funds of the county.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 316 H. 309—Wyatt, Barron, Holmes (A), Plaster

AN ACT

Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to provide for the repayment of accumulated contributions to any retirement or pension plan for county employees by any employee who is re-employed by any such county under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census.

Section 2. Any employee of any county to which this act applies, who terminates his employment with the county and withdraws any accumulated contributions to any retirement or pension plan and who later is re-employed by the county within twelve months of the original termination, shall be authorized to repay any such accumulated contributions to the retirement or pension plan with 8% interest per annum, provided the employee repays the accumulated contributions with interest within twelve months of the time the employee withdrew the funds from the retirement or pension plan.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 317 H. 466—Mitchem, Kelley

AN ACT

Relating to counties with populations of not less than 53,000 nor more than 55,000; to authorize such counties to use school bond money to purchase certain materials for renovation and improvement of buildings without regard to the act upon which Code of Alabama Recompiled 1958, Title 50, Chapter 1 is based.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to those counties having populations of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census.

Section 2. Counties to which this act applies are authorized to expend any available proceeds from the sale of school bonds to purchase building and renovation materials (including but not limited to lighting fixtures, paneling, carpeting, paint, ceiling materials, replacement glass and window shades and curtains) for renovation and improvement of school and school-related buildings where labor is supplied by the county. Such purchases may be made by the county governing body or its agent from time to time as the materials are needed, or as labor becomes available, without regard to Act No. 492, H. 778, 1947 Regular Session, as amended [Acts 1947, p. 338; now appearing in Code of Alabama Recompiled 1958, Title 50, Chapter 1].

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 318 H. 527—Waggoner

AN ACT

To further amend Section 19 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376 et seq.) as heretofore amended, which relates to the Civil Service System in counties having a population of 400,000 or more inhabitants, so as to provide for the manner of accruing vacation allowance and sick leave and the portion thereof for which payment may be given upon retirement or termination of employment.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 19 of Act No. 248 of the Legisla-

ture of Alabama of 1945, approved July 6, 1945, General Acts of Alabama of 1945, pages 376-400, as heretofore amended, be, and the same hereby is, further amended so as to read as follows:

"Section 19. LEAVES OF ABSENCE.—All permanent employees who have held regular full time positions under the jurisdiction of this Act for one year and less than twelve (12) years, shall be allowed an annual vacation with pay at the rate of one work day per month of service not to exceed twelve (12) work days vacation; regular full time employees with twelve (12) years to twenty-five (25) years full time service shall be allowed an annual vacation with pay at the rate of one and one-half (1½) work days per month of service not to exceed eighteen (18) days vacation per year; and regular full time employees with twenty-five (25) years service or more shall be allowed two (2) work days for each month of service not to exceed twenty-four (24) days vacation with pay per year. Such vacation allowance shall be cumulative, not to exceed forty (40) work days. Provided, however, that no vacation allowed any employee shall exceed five (5) calendar weeks in any calendar year. For the purpose of computing vacation allowance and sick leave, each period of seven days, excluding holidays, shall be considered as containing five (5) work days, irrespective of the number of days the employee would normally be on duty. In computing vacation for any person hereunder, in addition to the period for which such person has been employed by the county or city for which he works at the time of the computation, there shall be included the following periods of employment: (1) the period such person worked at the county courthouse, or any branch thereof, while employed by the state or any agency or board of the state, provided that while such person was so employed his position with the state, or state agency or board, was made subject to the county-wide civil service law through the adoption or amendment of this or any previous act establishing a county-wide civil service system; and (2) the period during which such person worked at the county courthouse, or any branch thereof, while employed by the state or any agency or board of the state provided his work and duties for the state, or the state agency or board were confined within the territorial limits of the county, and provided further that his employment with the county or with some municipality thereof commenced simultaneously with the cessation of his employment by the state or by the state agency or board. The time for such vacation shall be determined by the appointing authority except that the employee, if a vacation has not been allowed him during the calendar year, may demand that he be given a vacation not exceeding twelve work days. An appointing authority shall not require an employee to forfeit his vacation allowance as punishment for improper behavior, in lieu of imposing upon such employee a

suspension without pay as provided in Section 22 of the Act. Employees who resign in good standing or who are separated from the service without fault or delinquency on their part shall be allowed credit for vacation earned. Any employee who is dismissed for cause shall forfeit all vacation allowances. The rules and regulations shall contain provisions for granting permanent employees sick leave with pay and for leave without pay, consistent with progressive personnel practice; provided however, that any permanent employee shall, upon retirement or termination in good standing after five (5) years of service, be entitled to receive payment for fifty percent (50%) of his accrued and unused sick leave at the time of his retirement or termination and all such payments shall be made at the same rate as his regular pay. At the time of said retirement or termination said payment shall not exceed fifty percent (50%) of sixty (60) days."

Provided, further, that it shall be optional with each appointing authority whether such provisions shall be applicable to its employees.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 319 H. 593—Callahan

AN ACT

Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue or like governing body of Mobile County is hereby authorized to levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax of one mill on each dollar's worth of taxable real and personal property in Mobile County for the administration, operation and maintenance of mosquito, rodent and other vector control activities to be carried out by the Mobile County Board of Health. Such tax shall be based upon the last preceding assessment for the

State and County purposes commencing with the tax year beginning October 1, 1976; its collection shall conform to the collection of taxes from counties; and it shall constitute a lien against the property. The tax shall be added by the appropriate County Officials to the State and County tax bill immediately following the levy of such tax. Such taxes shall be subject to the same due and delinquency date, penalties, exemptions, and interest as are applied to the collection of all other ad valorem taxes.

Section 2. All funds derived from the collection of this special tax (after deduction of costs of assessment and collection thereof, such costs not to exceed two (2%) per centum for assessment and two (2%) per centum for collection) shall be paid over and held by the Treasurer of the Mobile County Board of Health for the specific purpose for which such funds have been collected. Such sums may be anticipated, but for not longer than twelve (12) months, by temporary loan certificates issued by the Mobile County Board of Health, and, when anticipated, such proceeds shall be used for the same purposes as are herein provided.

Section 3. In the event that any section, sentence, clause or portion of this act should be declared invalid or unconstitutional by any Court of competent jurisdiction, such invalidity shall not affect the validity of sections, sentences, clauses, or portions which remain.

Section 4. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the levying and collection of this tax on real and personal property.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 320 H. 597—Naramore, Crowe

AN ACT

Relating to Walker County; to require all new county roads to be built to state specifications.

Be It Enacted by the Legislature of Alabama:

Section 1. Any new county road hereafter constructed in Walker County shall meet all standards and specifications now or hereafter required of new roads constructed by the state.

Section 2. For the purposes of Section 1 above, the paving

of a theretofore unimproved county road shall be considered to be new road construction.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 321 H. 598—Naramore, Crowe

AN ACT

To amend Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), entitled "To provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining violations of the Act; imposing penalties for violations; and repealing conflicting laws;" so as to increase membership of the board and increase the board members' pay.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5 and 6 of Act No. 200, H. 120, 1969 Special Session (Acts of 1969, p. 264), relating to a civil service system for Walker County, is hereby amended to read as follows:

"Section 5. There is hereby created the Civil Service Board of Walker County, which shall be composed of five members appointed by the Governor, upon nomination in writing by members of the Walker County legislative delegation as follows: The senator and each representative may submit not more than three nominations for each place to be filled, and the appointment, or appointments, shall be made from among those persons thus nominated; if the same person is nominated by all members of the delegation, the person thus nominated shall be appointed; if the legislative delegation is divided, the nominee favored by the majority shall be appointed. If no person receives a majority nomination, each member of the legislative delegation may forthwith submit in writing an additional nominee until some person receives a majority nomination and such person shall be forthwith appointed. Of the first members of the board one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. Of the members added by the 1976 amendment, one shall serve a term of two years and one for a term of four years. All successors shall be appointed for terms of six years. No person shall be appointed to the board who is not a resident and qualified elector of Walker County and over the age of

twenty-one years. No member of the board shall hold any office of profit under a city, county, or the State of Alabama. Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term by the Governor, in the same manner as original appointments. Nominations to fill a vacancy must be submitted to the Governor within thirty days after the vacancy occurs, and the Governor must make the appointment forthwith. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the Board, and the chairman or president of the governing body of Walker County shall forthwith notify the Governor, who shall fill the vacancy as provided in this section.

"Section 6. Members of the Board shall be entitled to receive $25.00 for each meeting, and the Board shall meet once per month. The Board shall have power to appoint clerical assistants and engage legal counsel of its own choice, who shall be paid by the county."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 322 H. 634—Baker, Whatley

AN ACT

Relating to Russell County; to provide for the placing of the mailing addresses of the grantors and grantees on all conveyances of real property.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Russell County shall not receive for record or permit the recording of any instrument in which the title to real property is conveyed, unless such instrument has endorsed on it a printed, typewritten or stamped statement, in the body of the instrument, the mailing addresses of the grantor and grantee, respectively.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall take effect at such time after its passage by the legislature and its approval by the Governor, or upon its otherwise becoming law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 323 H. 719—Callahan

AN ACT

To provide for supplementing the retirement compensation paid to retired circuit judges in judicial circuits composed of one county and having not less than seven nor more than sixteen circuit judges and to provide for a contribution by such judges toward the cost thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any circuit judge in any judicial circuit now or hereafter composed of any one county and having not less than seven nor more than sixteen circuit judges shall have the right of election to come under the provisions of this act. Any such judge who elects to make the contributions provided for in Section 2 hereof shall be entitled to receive as additional retirement compensation payable from the treasury of the county, a sum equal to forty (40%) percent of the retirement compensation paid said judge by the State of Alabama. The retirement compensation provided for herein is supplementary to the retirement compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve (12) equal monthly installments on warrants properly drawn against such funds.

Section 2. A circuit judge in circuits described in Section 1 hereof may elect to participate in the retirement benefits provided in Section 1 hereof by filing with the clerk of the circuit court and with the county treasurer a written instrument declaring his election to participate and authorizing the county governing body to deduct 4% of such judge's county salary supplement as his contribution toward the cost of providing the retirement compensation provided for in Section 1 hereof. An election once made cannot be withdrawn or retracted and sums deducted in accordance with the aforesaid authorization may not be recovered or withdrawn by a judge for any reason, including vacating office before such judge becomes eligible for retirement.

Section 3. The election provided for in Sections 1 and 2 hereof must be made by a judge now holding office within 90 days from the effective date hereof and if not then made, may not thereafter be made. A judge not now holding office must make said election within 90 days after the date he takes office.

Section 4. The provisions of this act are severable. If any part or portion of the act is declared invalid or unconstitutional, such declaration shall not affect the parts or portions which remain.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 324 H. 901—Killian

AN ACT

Relating to DeKalb County; to provide that a two dollar license good for one day shall be required for hunting on a licensed game preserve within the county where only exotic or non-native game is being hunted, said license to be in lieu of any other hunting license; to provide that the proceeds from such license shall be deposited to the State Game and Fish Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In DeKalb County a two dollar license good for one day only shall be required for hunting on a licensed game preserve within the state where only exotic or non-native game is being hunted; said license shall be in lieu of any and all other hunting licenses. Said licenses shall be issued by the probate judge of said county.

Section 2. The proceeds from said license shall be deposited to the Game and Fish Fund in the state treasury.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 325 H. 936—Pegues

AN ACT

Relating to Perry County; to give the county governing body certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Perry County is hereby authorized and empowered to construct and maintain any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting landowner for a distance of one-fourth of a mile.

Section 2. The actual cost of opening and constructing the road or driveway shall be borne and paid by the homeowner. The county governing body is hereby authorized and empowered to require the posting of a cash bond to insure the payment of such actual cost, and may, in its discretion, provide normal maintenance at county expense on any road or driveway, exclusive of bridges, leading from a public road to the residence of an abutting homeowner for a distance of one-fourth of a mile.

Section 3. Should any such homeowner desire the construction, opening or maintenance of any drive extending beyond one-fourth of a mile, he must pay the actual cost thereof and the county can require a cash bond for the estimated amount of such construction. Such additional construction shall be at the option of the county governing body.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 326 H. 945—Whatley, Turnham

AN ACT

To regulate the excusing of persons from jury service in any county having a population of not less than 60,000 nor more than 65,000 accord-

ing to the most recent federal decennial census; to authorize requiring persons excused from jury service at one time to serve at a prior or later date; and to regulate the compensation of jurors summons for one week but required to serve in another.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census, each circuit judge who excuses any person from jury service for reasonable and proper cause pursuant to Code of Alabama 1940, Title 30, Section 5, may in his discretion, direct such person so excused from jury service to serve at some prior or later date to be determined by the court. No juror who is excused pursuant to the provisions of this act shall be entitled to his mileage fee and per diem fee for the day on which he originally appears and is excused, and for his services during any prior or subsequent week in which he is required to serve he shall receive the same fee as if he was originally summoned to serve during that week.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 327 H. 949—Cates

AN ACT

To amend Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) entitled "An Act Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees," so as to provide that all of said fee shall go to the county sheriff's fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 818, H. 1851, 1975 Regular Session (Acts of 1975, p. 1644) is hereby amended to read as follows:

"Section 1. In all such counties of 22,000 to 22,500 population, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code

of Alabama 1940, Title 14, Section 177, shall be $7.00 which shall be collected by the sheriff. All of each fee collected shall be credited to a special fund or account in the county treasury known as the sheriff's fund, which shall be used exclusively by the sheriff for law enforcement purposes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 328 H. 952—Callahan

AN ACT

To repeal certain sections of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), an Act providing for funds for maintenance, operation and expansion of county mosquito, and other vector control programs within county health departments in counties having populations of not less than 300,000 nor more than 600,000, which sections relate to the levy of a one mill ad valorem tax and an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 4 and 7 of Act No. 2318, S. 1268, Regular Session 1971 (Acts of Alabama 1971, Vol. V, p. 3740), entitled "An Act To provide for funds for maintenance, operation and expansion of county mosquito, rodent and other vector control programs within the county health department under the direction of the county health officer in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census, requiring financing by a one (1) mill property tax," are hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 329 H. 996—Cross

AN ACT

Relating to Lawrence County; regulating the compensation of the county superintendent of education of Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Lawrence County shall be entitled to receive an annual salary of not less than $19,500.00 per annum and not exceeding $22,500.00, which shall be paid from county school funds as provided by law and shall be fixed by the county board of education.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective July 1, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 330 H. 997—Cross

AN ACT

Relating to Lawrence County; to provide that the county governing body may appropriate money to any volunteer fire department within the county for the purpose of purchasing equipment and supplies.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Lawrence County is hereby authorized and empowered to appropriate money out of the county treasury to any volunteer fire department for the purpose of purchasing equipment and supplies to be used by said volunteer fire department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 331 H. 1019—Cates

AN ACT

Relating to Butler County; providing that any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), because of disability or upon reaching sixty-five years of age or older shall be required to make the declaration of exemption one time; prescribing the manner of making such declaration, and penalties for violations of the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in Butler County qualifying for the exemption of ad valorem taxation pursuant to Section 1 of Act No. 1000, H. 388 of the 1973 Regular Session (Acts 1973, Vol. III, p. 1532), shall be required to make the declaration for exemption only one time and thereafter the exemption shall continue, from year to year, so long as he remains eligible for the exemption. The claimant shall notify the tax assessor in writing of any change in eligibility within thirty days of such change. His failure or refusal to so notify the tax assessor shall constitute a misdemeanor and, upon conviction thereof, he shall be punished as provided by law.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 332 H. 1025—McNees

AN ACT

Relating to Lamar County; further regulating the compensation of the county superintendent of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of the county superintendent of education of Lamar County shall be fixed by the County Board of Education. The amount thereof shall not be less than fifteen thousand dollars per annum and shall not exceed the sum of $22,500 per annum, to be paid at the same time and in the same manner as now prescribed by law for the payment of compensation to the county superintendent of education of Lamar County.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 333 H. 1028—Holley

AN ACT

Relating to Coffee County; providing that the sheriff may send notice of jury summons by registered mail.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Coffee County is hereby authorized to summon prospective jurors by mailing such notice to said persons by registered mail.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 334 H. 1035—Waggoner, Moore (O), Smith (C)

AN ACT

To provide for an expense allowance for the District Attorney of the Eighteenth Judicial Circuit, composed of the counties, Clay, Coosa and Shelby, and providing for the payment of such expense allowance out of the general funds of the counties composing said judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney of the Eighteenth Judicial Circuit of this state, being composed of the counties of Clay, Coosa and Shelby, shall receive an additional expense allowance for the purpose of defraying expenses in the performance of his official duties, by an amount equal to 25% of the salary now, or hereafter, paid said district attorneys by the State of Alabama. The allowance herein provided for shall be paid monthly from the general funds of such counties

on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessor's office, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property within such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the state by way of salary to such district attorney and also the allowance now or hereafter authorized under the Laws of the State of Alabama.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective January 16, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 335 H. 1036—Brindley

AN ACT

Relating to Etowah County; permitting banks now or hereinafter situated anywhere in Etowah County to establish, maintain and operate branch banks and branch offices within the limits of the City of Sardis for the conduct of a general banking and trust business; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, within this state now situated in Etowah County, shall have the power to establish, maintain and operate in Sunshine Acres subdivision within the limits of the City of Sardis one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks, or other appropriate regulatory authority.

Section 2. The provisions of Code of Alabama 1940, Title 5, Section 125, which conflict with this act are specifically repealed as to the counties and cities in which this act applies, and all other laws, general or local in conflict herewith, are also repealed as to such cities and counties.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 336 H. 86—Cross, Roberts, Mitchem, Kelley, Starkey, Hill, Moore (W), Carter, Smith (B), Riddick, Albright, Goodwin, Brindley, Martin

AN ACT

To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to take, catch, capture or kill any game or non-game fish by use of a gill, trammell or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto.

Section 2. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for six (6) months, or both such fine and imprisonment.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 337 H. 170—Sonnier, Malone

AN ACT

To exempt the county law enforcement association from paying certain license fees for certain alcoholic malt beverages in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

WHEREAS The Legislature of Alabama recognizes that the public interest is best served by the fullest and most efficient execution of the law enforcement functions performed in the municipalities and counties of this state; and

WHEREAS the Legislature recognizes the uniqueness of the position of law enforcement officers serving in the community for the protection of life and property with the accompanying pressures and responsibilities associated with their jobs; and

WHEREAS the Legislature recognizes the need by law enforcement officers because of their unique position for recreation and privacy in order to foster greater morale and fellowship for and among other law enforcement officers; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. The county law enforcement association in any county to which this act applies shall be exempt from paying any state, county or municipal license fees for the sale of any alcoholic malt beverages; provided, however, that such law enforcement association does not sell over 150 cases of such alcoholic malt beverage per month.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 338 H. 287—McNees

AN ACT

To amend further Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143) which provides for and regulates the

employment of county engineers so as to provide that the county engineer in certain counties need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of the county engineer's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 1945, H. 584, Regular Session 1971 (Acts 1971, p. 3143), as last amended, is hereby further amended to read as follows:

"Section 3. QUALIFICATIONS. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this Act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman and Coffee Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this Act."

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 339 H. 450—Higginbotham, Whatley, Turnham

AN ACT

Relating to counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census; to provide that establishments licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply to all counties having populations of not less than 20,000 nor more than 70,000 inhabitants according to the most recent federal decennial census.

Section 2. Any business that is licensed to sell beer or other malt or brewed alcoholic beverages may also be licensed to operate billiard or pool tables and may allow their patrons to play dominoes.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 340 H. 992—Manley, Pegues

AN ACT

To authorize and provide for the incorporation in Marengo County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in said county through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of said county, or of any municipality or political subdivision of the county; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities from all taxation in the state,

including license and excise taxes, levied by the state, any county, municipality, or political subdivision of the state; to exempt all conveyances, leases, mortgages and deeds of trust to which such authority is a party from all taxation by the state; to exempt such authority from payment of certain charges to the judge of probate; to exempt any authority organized hereunder from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of said county or the municipality by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the authorizing government; and to provide for the dissolution of any such authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Purpose and Legislative Findings. The legislature has found and determined and does hereby declare that in Marengo County and in all municipalities situated in said county the following conditions exist: (a) that the recent improvement of the state's inland waterways is and will continue bringing about an ever expanding use of such waterways, and the tremendous growth of commerce on such waterways has created a critical need for industrial expansion and development in general and a particularly critical need for wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses, water and rail terminals and other structures and facilities needful in such commerce and for the convenient use of such waterways; (b) that the continued economic growth of said county and municipalities and the general health and welfare of the citizens of said county and municipalities will be greatly benefited by the development of docks and other related facilities along the inland waterways in said county; and (c) that it is necessary and desirable and in the best interest of the citizens of said county and municipalities therein that provisions be made for the establishment in said county of public corporations to provide such facilities. The legislature does hereby further declare its intention by the passage of this act, to promote and advance the use of the inland waterways and the development of industry and commerce growing out of such use in the county and municipalities to which this act applies by authorizing the establishment of public corporations in said county as the agents of both said county and municipalities therein, vested with the powers and authority to provide the facilities needed or convenient for such development as hereinafter provided.

Section 2. Definitions. Wherever used in this act, unless a different meaning clearly appears in the context, the following terms and others evidently intended as the equivalent thereof, shall be given the following respective interpretations:

"Applicant" means a natural person who files a written application with the governing body of Marengo County, or

with the governing body of any municipality in such county in accordance with the provisions of Section 3 hereof.

"Authority" means a public corporation organized pursuant to the provisions of this act.

"Authorizing county" means Marengo County, Alabama, provided the governing body thereof shall have adopted an authorizing resolution.

"Authorizing municipality" means any municipality in said county, the governing body of which shall have adopted an authorizing resolution.

"Authorizing resolution" means the resolution that authorizes the incorporation of an authority, adopted by the governing body of said county or the governing body of any municipality in said county in accordance with the provisions of Section 3 hereof.

"Board" means the boards of directors of an authority.

"Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

"County" means Marengo County, Alabama.

"Director" means a member of the board of directors of the authority.

"Dock facilities" means docks and all kinds of dock facilities, including elevators, warehouses, water and rail terminals, wharves, piers, quays, compresses and other related structures, facilities and improvements that may be needed for the convenient use of the inland waterways of the state, as well as the land on which such facilities are located, which lie within said county.

"Governing body" means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body. "Governing body" with respect to the county means the county commission.

"Herein," hereby," hereunder," hereof," and other equivalent words refer to this act as an entirety and not solely to the particular section or portiton thereof in which any such word is used.

"Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this act.

"Municipality" means an incorporated city or town in Marengo County, Alabama.

"Person," unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, the county, or an agency, department or instrumentality of the state or of the county or of a municipality therein.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of the proceedings of the board of an authority are kept.

"Property" means and includes real and personal property, and interests therein.

"State" means the State of Alabama.

The definitions set forth in this section shall be deemed to include both singular and plural and to cover all genders.

Section 3. Filing of Application, Authorization of Incorporation by Governing Body of Authorizing County or Municipality. A public corporation may be organized pursuant to the provisions of this act in Marengo County. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with either the governing body of the county or the governing body of a municipality in said county which application shall:

(1) Contain a statement that the applicants propose to incorporate an authority pursuant to the provisions of this act;

(2) State the proposed location of the principal office of the authority, which shall be within the county;

(3) State that each of the applicants is a duly qualified elector of the county;

(4) Request that the governing body of the county or of such muncipality, adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the county or of the municipality with which the application was filed, shall review the contents of the application, and shall adopt a resolution either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed authority be formed

and authorizing the applicants to proceed in accordance with the provisions of Section 4 hereof to form the proposed authority. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting at which final action upon said application is taken.

Section 4. Procedure to Incorporate; Contents and Execution of Certificate of Incorporation. Within forty (40) days following the adoption of an authorizing resolution the applicants shall proceed to incorporate an authority by filing for record in the office of the judge of probate of said county a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the authority shall state:

(1) The names of the persons forming the authority, and that each of them is a duly qualified elector of said county;

(2) The name of the authority (which shall be "Port Authority," with the insertion of the name of the authorizing municipality or county and, if deemed appropriate by the incorporators, of additional identifying words);

(3) The period for the duration of the authority (if the duration is to be perpetual, subject to the provisions of Section 19 hereof, that fact shall be stated);

(4) The name of said county or muncipality together with the date on which the governing body thereof adopted the authorizing resolution;

(5) The location of the principal office of the authority, which shall be in the said county;

(6) That the authority is organized pursuant to the provisions of this act; and

(7) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing county or municipality, in accordance with the provisions of Section 3 hereof, (b) a certified copy of the authorizing resolution adopted by the

governing body of said county or of the authorizing municipality, and (c) a certificate by the secretary of state that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the authority has been filed for record.

Section 5. Amendments to Certificate of Incoporation. The certificate of incorporation of any authority incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board of directors of the authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the chairman of the board or other chief executive officer of the authority and the secretary of the authority shall sign and file a written application in the name of and on behalf of the authority, under its seal, with the governing body of said county or municipality, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application the governing body of said county or municipality, shall review the said application and shall adopt a resolution either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within forty (40) days following the adoption by the governing body of said county or municipality of a resolution approving the proposed amendment, the chairman of the board or other chief executive officer of the authority and the secretary of the authority shall sign and file for record in the of-

fice of the judge of probate of said county a certificate in the name of and in behalf of the authority, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body and setting forth the said proposed amendment.

Section 6. Board of Directors. Each authority shall be governed by a board of directors, who shall be appointed by the authorizing governing body. All powers of the authority, except as herein restricted, shall be exercised by the board or pursuant to its authorization. The board shall consist of seven directors, who shall be appointed for staggered terms as hereinafter provided. The positions on the board shall be numbered from one to seven inclusive. The initial term of office of the members of the board in positions one, two, three and seven shall begin immediately upon their respective appointments and shall end at 12:01 o'clock, a.m., on the second anniversary date of the filing for record of the certificate of incorporation of the authority. The initial terms of office of the directors in positions numbered four, five and six shall begin immediately upon their respective appointments and shall end at 12:01 o'clock, a.m., on the fourth anniversary date of the filing for record of the certificate of incorporation of the authority. Thereafter, the term of office of each such director shall be four years. Each director shall continue to serve until his successor is appointed. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be appointed by the same appointing authority hereinafter authorized to fill such position. Each appointment of a director, whether for a full four-year term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. Each director must be a duly qualified elector of Marengo County, Alabama. Directors shall be eligible for reappointment. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties, and if said certificate so provides, be compensated in such additional amount as may be set by the authorizing governing body. Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 7. Powers of Authority. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the

duration of time (which may be perpetuity, subject to the provisions of Section 19 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, excepting actions in tort, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the some at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed;

(6) To make, enter into, and execute such contract, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, operate, regulate and protect industrial and commercial facilities and port or dock facilities in Marengo County (and in such other areas as may be developed under the provisions of clause (22) of this section), including the acquisition, construction, installation, equipment, maintenance and operation at such port of facilities, buildings, wharves and other facilities and the improvements that may be needed for economical and convenient use of the inland waterways in or near such county or any municipality therein, and the purchase and sale of supplies, goods, and commodities as are incident to navigation and commerce on such waterways;

(8) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair and operate inland ports (by whatever name such may be known), landing, loading or storage areas and transportation terminals;

(9) To construct, acquire, establish, improve, extend, reconstruct, equip, maintain and repair buildings, structures and facilities, suitable for use as parks, exhibits or exhibitions at, upon or adjacent to any port or dock facility owned or operated by such authority, and to lease or let such buildings, structures and facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve;

(10) To furnish or supply upon any port or docking area owned or operated by or under the jurisdiction of the authority to persons and boats and other vessels for reward or compensation, goods, commodities, area, facilities and services convenient or useful to the owners, operators and users of the inland waterways, and to persons upon such waterways, including, without limiting the generality of the foregoing, food, lodging, shelter, lawful drinks, confections, reading matter, oil, gasoline, boats, motors, and parts and equipment therefor, space in buildings, space for buildings and structures, parking spaces for boats and other watercraft, and the services of mechanics, instructors and hostlers;

(11) To confer upon individuals, firms, corporations or companies for reward or compensation the privilege or concession of supplying upon any port or docking area owned or operated by or under the jurisdiction of the authority, all or any part of the goods, commodities, things, services and facilities in clause (10) of this section authorized to be supplied;

(12) To acquire, by purchase, gift, devise, lease, or otherwise, existing ports, docks, and other navigation facilities in the county, provided, however, that the authority shall not acquire or take over any port or navigation facility owned or controlled by any county, municipality or public agency of the state, or any one or more thereof, without the consent of such county, municipality or public agency;

(13) To sell and issue bonds of the authority in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely out of the revenues derived from any facilities of the authority;

(14) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any ports, docks or related facilities or any part thereof, that may be acquired by the authority, any obligation so assumed to be payable by the authority solely out of the revenues derived from the operation of any such facilities of the authority;

(15) To pledge for payment of any bonds issued or obligations assumed by the authority any revenues from which those bonds or obligations are made payable as herein provided;

(16) To execute and deliver, in accordance with the provisions of this section and of Section 9 hereof, mortgages, deeds of trust and trust indentures, and any other legal instruments necessary to carry out the intent of this act;

(17) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Title 19 of the Code of Alabama 1940, as amended, with respect to

any property, real, personal or mixed, including structures and obstructions to navigation and the commercial use of the inland waterways that may be necessary for the construction, extension, maintenance, operation, protection, enlargement, improvement or preservation of a port or related facility. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein devoted to public use;

(18) Subject to the provisions of Section 17 of this act, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultants, and fiscal advisers, as the business of the authority may require, and at its option to provide a system of disability pay, retirement compensation and pensions, or any part of them;

(19) To make and enforce reasonable rules and regulations governing the use of any ports, docks or other facilities owned or controlled by the authority;

(20) To provide for such insurance, including but without limitation to use and occupany insurance, as the board may deem advisable;

(21) To invest any funds of the authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest bearing bank deposits, or any thereof;

(22) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state or any person as defined in Section 2 of this act, and to make such contracts with them, or any of them, as the board may deem advisable to accomplish the purposes for which the authority was established;

(23) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of a port, dock or any other facilities of the authority;

(24) To sell and convey, with or without valuable consideration, any of its properties to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the properties so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and

conveyance may be made (a) only with the consent of the authorizing county or municipality, as evidenced by a resolution adopted by such governing body, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the authority is a party;

(25) To enter into a management agreement or agreements with any person for the management by or for the authority of any ports, docks or other facilities upon such terms and conditions as may be mutually agreeable; and

(26) To fix and revise from time to time reasonable fees, tolls, rents and other charges for the use of any facilities owned or operated by the authority, and to collect all charges made by it.

(27) To apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone in or adjacent to any port or docks facilities in the county of incorporation when the establishment of such zone, in the opinion of the board of directors, will promote the economical and convenient use of the inland waterways in and near such county. If such application is granted then the authority shall have all powers and authority needed to establish, operate and maintain a trade zone and to comply with all the federal laws and duly prescribed rules of the United States Foreign Trade Zones Board relating to the establishment, operation and maintenance of such foreign trade zone.

Nothing herein shall be construed to permit an authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip or operate any property located outside the county of incorporation, except as may be otherwise provided herein.

Section 8. Fees, Tolls, Rents and Charges. Docking fees, toll fees, rents and other charges for the use of the port, docks and related facilities owned or operated by the authority shall be so fixed and from time to time revised as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving such facilities; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the authority, that are payable out of the revenues derived from operation of such facilities as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the authority hereunder or in any resolutions of the board authorizing the

issuance of bonds, the assumptions of any obligation, or the acquisition of any such facilities, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, department, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the authority may have contracted to make.

Section 9. Bonds of Authority. (a) **Execution.** All bonds issued by the authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the authority shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(b) **General Provisions Respecting Form, Interest Rate, Maturities, Sale, Refunding and Negotiability of Bonds.** Any such bonds may be executed and delivered by the authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the authority, which may be sold by the authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the authority shall be construed to be negotiable instruments although payble solely from a specified source.

(c) **Nature of Obligation and Source of Payment.** All obligations created or assumed and all bonds issued or assumed by the authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of said county or any municipality, provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the authority. Any bonds issued by the authority shall be limited or special obligations of the authority payable solely out of the revenues of the authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all dock or port and related facilities and other facilities owned by the authority or solely out of the revenues from the operation of any one or more of such facilities or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of one certain particular facility of the authority.

(d) **Pledge of Revenues and Other Security.** The authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the authority may contain such agreements as the boards may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made.

(e) **Eligibility for Investment.** The governing body of any county or municipality is authorized in its discretion to invest in bonds of the authority any idle or surplus money held in its treasury. Such bonds are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 10. Contracts to Secure Bonds and Assumed Obligations. As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any industrial

or commercial facility, or port, dock, wharf or related facilities owned by it, or any part of parts thereof, for the imposition and collection of reasonable fees, rents, tolls and other charges for, and the promulgation of reasonable regulations respecting the use of any such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage, deed of trust, or trust indenture made by the authority hereunder.

Section 11. Notice of Pledge of Revenues. Any pledge of revenues from the operation of facilities of an authority shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of Marengo County, Alabama. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. The method provided in this section for the giving of notice of any such pledge of revenues shall be in addition to, and not in lieu of, any other methods now or hereafter provided under the laws of the state for the giving of notice of a pledge of, or the creation or perfection of a lien on or a security interest in, such revenues.

Section 12. Proceeds from Sale of Bonds. All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto; provided, however, site preparation grants for industrial development shall not be included as a part of such costs and expenses.

Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquiring or constructing all or any part of any facility, interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of the series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquistion or construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations asssumed by the authority, any premium that it may be necessary to pay in order to redeeem or retire the bonds or other obligations to be refunded.

Section 13. Cooperation; Aid From Other Public Bodies. For the purpose of aiding or cooperating with the authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of any of its facilities, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms with or without consideration, as it may determine: (a) lend or donate money to, or perform services for the benefit of, the authority; (b) donate, sell, convey, transfer, lease or grant to the authority, without the necessity of authorization at any election or qualified voters, any property of any kind, including but without limitation, any ports, docks, wharf, or other port facility, or any facility related thereto or any interest in any such facility and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by, it for dock or port facilities or for the support of the development and use of inland waterways or the furthering of commerce on such waterways generally, be transferred or paid directly to the authority as such funds become available; (d) furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan boat launching ramps and other like facilities on the banks of inland waterways and streets, roads, roadways and walks from established streets or roads to any facility of the authority; and (e) do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, acquisition, or operation of commercial or industrial development facilities and of inland ports, docks and related facilities.

Section 14. Exemption of the Authority Directors and Officers thereof from Civil Liability. The authority and the di-

rectors and officers thereof shall not be liable for any civil damages as a result of acts or omissions of such authority, its directors, officers, agents, servants or employees in or about the construction, maintenance, operation, superintendence or management of any facility owned or controlled by the authority unless fraud or wilful and wanton misconduct is inherent in the act or omission of the directors, or of a director or of an officer of the authority.

Section 15. Exemption from Taxation. The property and income of the authority, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority, and leases, mortgages, and deeds of trust by or to the authority shall be exempt from all taxation in the State of Alabama. The authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an authority may engage in. The authority shall not be obligated to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. Nothing in this section shall be construed to exempt concessionaires, licensees, tenants, operators or lessees of the authority from the payment of any taxes, including but without limitation to license or privilege taxes levied by the state or any county or municipality.

Section 16. Freedom of Authority from Public Service Commission and Other State Supervision and Control. This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceedings, notice or approval shall be required for the incorporation of any authority or the amendment of its certificate of incorporation, the acquisition of any inland commercial or industrial facility or any dock or port facilities or any other facilities or other property used in connection with or related to commerce on the inland waterways traversing Marengo County or any municipality in said county or the issuance of any bonds, mortgages and deeds of trust, or trust indenture. The authority, all property of the authority, and the fees, tolls, rents and other charges for the use of such property or for any services therefrom, shall be exempt from all jurisdiction of, and all regulation and supervision by, the Alabama Public Service Commission. Neither a public hearing nor the consent of the state department of finance shall be a prerequisite to the issuance of bonds by the authority.

Section 17. Ports Director; Applicability of Civil Service or Merit System Laws. The board shall have the power to employ a general administrative officer to supervise the operation of all port, dock or other facilities of the authority. Such general administrative officer, who shall have the title of Port Director shall serve at the pleasure of the board and he shall receive such compensation as the board may also employ an administrative assistant to the Port Director, who shall also serve at the pleasure of the board and receive such compensation as the board may direct. All other employees of the authority, (except directors) shall be subject to the provisions of any civil service or merit system law then applicable to employees of Marengo County or the authorizing municipality to the same extent as if such employees of the authority were employees of such county or authorizing municipality.

Section 18. Annual Audits. Within thirty (30) days following the close of each fiscal year the authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the authority will furnish a copy of such audit to the appointing authority of the board of directors.

Section 19. Dissolution of Authority and Vesting of Property. At any time when the authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the judge of probate of the county of incorporation, the authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to said authorizing county or municipality.

Section 20. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 21. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 22. This Act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the Legislature to enact local laws authorizing and providing for the incorporation of port authorities in Marengo

County for the development and use of the inland waterways of the county and otherwise to promote industrial development related thereto.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 341 H. 1041—McMillan, Kinsey

AN ACT

To amend Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) entitled "An Act to regulate further the fees of sheriffs in all counties of this state having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census" so as to provide further for such fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 599, H. 1694, Regular Session of 1975 (Acts 1975, p. 1350) is hereby amended to read as follows:

"Section 1. In lieu of the fees prescribed in Code of Alabama 1940, Title II, Section 34, for the services hereinafter listed, the sheriffs in all counties of this State having populations of not less than 57,000 and not more than 61,000 according to the 1970 or any subsequent federal decennial census, shall be entitled to receive the fees hereinafter prescribed:

Levying Attachment $16.00

Summoning garnishee and making returns 6.00

Serving summons and other mesne process, except subpoenas for witnesses, and returning same, Six Dollars, plus Fourteen cents per mile in serving same, provided that no mileage shall be charged for serving subpoenas.

Summoning each witness and returning subpoenas 3.00

Executing a writ of possession 15.00

Making a deed to real estate sold 15.00

Serving summons and making returns in cases of:

Forcible entry and detainers 6.00

Executing writ of restitution in such cases 15.00

Collecting execution for cost only 6.00

Serving subpoenas on bill in chancery proceedings and returning the same, for each defendant 6.00

Serving any summons not herein provided for, and making returns 6.00

Serving attachment for contempt of court or rule to show cause 6.00

Taking and approving bonds of every kind 2.00

Collecting money under execution:

For the first five hundred dollars, six percent; for collecting all sums over $500.00 up to and including $1000.00, five percent; and for collecting all sums in excess of $1000.00, four percent; but *no* commission shall be collected on costs.

Levying execution when sale is stayed after levy by a restraining order, one-half of the commission for selling under execution, to be paid by the party obtaining the order, to be taxed for his benefit, if successful, against the adverse party on the termination of the suit.

Seizing personal property under writ of detinue 12.00

In all counties in which this act applies where the Sheriff is on a salary or his compensation is paid out of the county Treasury he shall collect such fees and shall remit the same to the Treasury of said county."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 342 H. 1061—Ford, Rich, Brindley, Taylor

AN ACT

Relating to Etowah County; to amend Act No. 829, S. 292, 1975 Regular Session (Acts 1975, p. 1655), which vests in the Etowah County Commission direct and effective financial supervision over county agencies; to authorize said commission to fund state and municipal offices, departments, boards, etc. after the needs of county offices have been met.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 829, S. 292, 1975 Regular Session (Acts 1975, p. 1655) is amended to read as follows:

"Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipal departments, institutions, boards, commissions and agencies (except for funding, payments or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

"For the purposes of this section, the needs of county offices shall be considered met provided all said county offices are open and transacting business with the general public, and provided further, that no more than twenty-five percent (25%) of all full-time county employees, as measured by the number employed on the date of the 1976 amendment hereto, have been discharged or laid off due to negative economic conditions in Etowah County. In the event the needs of county offices have been met within the meaning of this section, the county commission is hereby given the authority to fund any or all state and municipal offices, departments, boards, institutions, commissions or agencies in any amount within the discretion of said county commission. In funding said state and municipal offices, departments, boards, etc., the county commission shall consider the overall financial condition of Etowah County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 343 H. 1112—Baker, Whatley

AN ACT

Relating to Russell County; to provide the Russell County Commission with authority to employ appraisers, mappers, clerical personnel and other personnel to maintain current evaluation of all real property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Russell County Commission shall employ sufficient appraisers, mappers, clerical personnel and other personnel to maintain on a current basis the appraisal and mapping of all real property and valuation of personal property within the county.

Section 2. The Revenue Commissioner shall prescribe the functions, duties and responsibilities of these personnel to in-

sure all property is properly appraised, mapped and valued in accordance with the law.

Section 3. The county tax collector shall collect the cost of the appraisal and mapping program from the various county ad valorem tax funds. The custodion of each county ad valorem tax fund shall pay the pro rata share of the cost of appraising and mapping the property which is taxed by said custodian's ad valorem tax fund.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 344 H. 1118—McCulley

AN ACT

To change the method of compensating certain officers of Washington County, placing such officers on a salary basis and providing for the operation of the offices on such basis.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Washington County shall be entitled to receive annual salaries in lieu of any fees, commissions, percentages, and allowances:

The judge of probate shall receive an annual salary of $21,000, which shall include his compensation for all ex officio duties.

The tax assessor shall receive an annual salary of $18,000.

The tax collector shall receive an annual salary of $18,000.

Such salaries shall be in lieu of all other compensation heretofore provided by law and shall be paid in equal monthly installments out of the general fund of the county.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the judge of probate, the tax assessor or the tax collector shall be collected and paid into the general fund of the county.

Section 3. The county governing body of Washington

County shall provide the judge of probate, the tax assessor, and the tax collector with clerical assistants and with the quarters, books, stationery, office equipment, postage and other such conveniences and supplies necessary for the proper and efficient conduct of their respective offices. Each of said officers shall have the authority to appoint such clerical assistants as may be authorized for his office, and such clerical assistants shall serve at the pleasure of the appointing authority; however, the compensation of each such assistant shall be fixed by the county governing body and shall be paid in equal installments out of the general fund of the county at the same time and in the same manner that the compensation of other county employees is paid.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. Upon the passage of this Act by the Ala. Legislature and adoption by the Gov., or its otherwise becoming law, it shall become effective upon the expiration of the present terms of office of the herein enumerated officials.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 345 S.J.R. 96—Powell, Mitchell Jones

SENATE JOINT RESOLUTION

COMMENDING THOMAS P. McCABE UPON HIS RETIREMENT AS AUBURN COOPERATIVE EXTENSION COUNTY CHAIRMAN OF MONTGOMERY COUNTY.

WHEREAS, Thomas P. McCabe has elected to retire after thirty-seven years of admirable service with the agricultural extension service; and

WHEREAS, in those many years of service, Mr. McCabe has compiled an exceptional record of achievements and accomplishments with the Auburn Extension Service; and

WHEREAS, as county chairman, Thomas McCabe has won the respect and approval of his fellow employees for his leadership in both professional and civic activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

this body commends Thomas P. McCabe for his many years of dedication and hard work to the Auburn Extension Service as county chairman and wishes him a happy and satisfying retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. J. Michael Sprott, Director of Extension Service, Auburn University; to Thomas P. McCabe; and to the press and various other news media.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 346 S.J.R. 98—Powell

SENATE JOINT RESOLUTION

COMMENDING THE AUBURN COOPERATIVE EXTENSION SERVICE EMPLOYEES IN ELMORE COUNTY.

WHEREAS, the Auburn University Cooperative Extension Service in Elmore County has been actively engaged in service to the people since 1914; and

WHEREAS, since this time, the Extension staff has compiled an outstanding record of achievements and accomplishments that has contributed to the educational and economic growth of the county through the improvement of agricultural, agribusiness, home economics, and 4-H programs; and

WHEREAS, the Extension Service is greatly appreciated and relied upon by the citizens of Elmore County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends the Auburn University Extension Service in Elmore County for its long and enviable record of achievements and accomplishments.

BE IT FURTHER RESOLVED, That this legislature sends its congratulations and a copy of this resolution to Mr. Jack Thompson, Elmore County Extension Chairman; Mrs. Barbara Marcelius; Mr. Wayne Davis; Miss Gwendolyn Turner; Mr. George Jackson; Mrs. Marilee Tankersley; and to Dr. J. Michael Sprott, Director of Extension Service, Auburn University.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 347 S.J.R. 99—Vacca, Ellis

SENATE JOINT RESOLUTION

COMMENDING FRED WARD UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE SECONDARY DIVISION.

WHEREAS, Fred Ward was honored with the Principals' Achievement Award for the secondary division; and

WHEREAS, this award recognizes improvement in a school's public relations, betterment of school climate, development of outstanding school programs, utilization of local resources, wise decisions and the handling of crises and unusual social problems; and

WHEREAS, effective leadership in our educational facilities is of the greatest importance in the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Fred Ward for his distinguished service to public education as principal of Minor High and congratulates him upon receiving the Principals' Achievement Award in the secondary division.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Fred Ward.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 348 S.J.R. 111—McMillan, Clemon, Pearson, Wilson, Gilmore, Vacca Littleton

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN RADNEY CHADWICK.

WHEREAS, The recent death of John Radney Chadwick is a great loss to his family, his community, and the journalism profession; and

WHEREAS, Mr. Chadwick, the associate editorial page editor of The Birmingham News, combined his wisdom and writing talents to produce an interesting and highly effective editorial page; and

WHEREAS, Mr. Chadwick, a native of Nashville, Tennessee, came to Birmingham in 1918, received his education at Auburn, served as first lieutenant in the field artillery in World War II, and has been with The Birmingham News since 1947; and

WHEREAS, John Chadwick was one of the most highly respected journalists in the state; News Editor John W. Bloomer said of him, "John Chadwick was a thoroughly professional newsman, equally capable as a writer or an editor. But beyond that, he was a marvelous human being — one of the warmest, most thoughtful people I've ever known. Not only his family and his newspaper colleagues, but his many friends in the community will feel a deep sense of loss at his passing"; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do deeply mourn the death of John Rodney Chadwick, and extend warmest sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his widow, Mrs. Carol Sutherland Chadwick, his son, John R. Chadwick, Jr., his daughter, Mrs. James E. Wrench, and his sister, Mrs. Thomas S. Woodroof, Athens.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 349 S.J.R. 114—Shelby

SENATE JOINT RESOLUTION

COMMENDING CIRCUIT JUDGE FRED W. NICOL UPON BEING ELECTED PRESIDENT OF THE CIRCUIT JUDGES ASSOCIATION OF ALABAMA.

WHEREAS, after graduation from the University of Alabama Law School, Fred W. Nicol accepted a position as Special Agent with the Federal Bureau of Investigation and, during World War II, served with the Counter Intelligence Corps of the U. S. Army for four years in the China, Burma, India Theatre; and

WHEREAS, before his judgeship, Nicol became nationally recognized in law enforcement circles for his expertise in the field of lie detection, while he served as District Attorney for Tuscaloosa County; and

WHEREAS, Nicol was elected to Circuit Judge of the Tus-

caloosa County Circuit Court in 1964, and he has served in several other prestigious organizations such as President of the Tuscaloosa County Bar Association, President of the Alabama Circuit Solicitors Association, Chairman of the Alabama Chapter of the Society of Former F.B.I. Agents. President of the Tuscaloosa Exchange Club; and

WHEREAS, Circuit Judge Fred Nicol has demonstrated a religious and social interest in his community as an Elder in the First Presbyterian Church and an active participant in Boy Scout work; and

WHEREAS, Circuit Judge Nicol, a member of the American Bar Association, has been elected President of the Circuit Judges Association of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Circuit Judge Fred W. Nicol, a native of Tuscaloosa, upon his election to President of the Circuit Judges Association of Alabama, and we wish him a very happy and successful tenure.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Circuit Judge Fred W. Nicol.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 350 S.J.R. 115—McMillan

SENATE JOINT RESOLUTION

CONGRATULATING MISS JANE CULBRETH UPON BEING NAMED PRESIDENT OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS.

WHEREAS, Miss Jane Culbreth is attending the National Federation of Business and Professional Women's Clubs annual session in Denver; and

WHEREAS, Miss Culbreth, who over the past year has served as President-elect, will be installed as President of the BPW during this convention; and

WHEREAS, Miss Culbreth has served the BPW on the national level for ten years, including the offices of first, second and third vice president, and as a member of the program and planning committee; and

WHEREAS, Jane Culbreth has been President of the Alabama Federation, and has held every club office of her local chapter in Leeds; and

WHEREAS, Miss Culbreth has been active in state and community affairs serving on the Leeds City Council for eight years, on the Alabama League of Municipalities executive committee, on the Alabama Joint Legislative Council, and founder and chairman of the Leeds Public Library Board of Trustees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Miss Jane Culbreth upon being named President of the National Federation of Business and Professional Women's Clubs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Jane Culbreth showing our appreciation for her dedicated work.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 351 S.J.R. 120—Fine

SENATE JOINT RESOLUTION

WHEREAS the "Kilgore Tom Boys" of Anniston have consistently demonstrated outstanding athletic ability in fastpitch softball competition; and

WHEREAS, the Tom Boys have captured the State Championship in girls softball in Alabama; and

WHEREAS, on August 3, 1976, these young ladies will participate in National Title Competition in Memphis, Tennessee; and

WHEREAS, The Tom Boys provide an example of sportsmanship, competitive spirit, and athletic achievement of which all Alabamians may be proud;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that this body applaud and congratulate the fifteen "Kilgore Tom Boys" on their excellent performance in fastpitch softball in the state and nation.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to each of the "Kilgore Tom Boys".

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 352 S.J.R. 121—McDonald (S)

SENATE JOINT RESOLUTION

COMMENDING EUGENE H. STARNES UPON HIS RETIREMENT

WHEREAS, the Alabama legislature has noted with interest the retirement of Eugene Starnes of Guntersville, Alabama; and

WHEREAS, Eugene Starnes is a devoted community builder who has served his people well; and

WHEREAS, He served as chairman of the Marshall County Democratic Executive Committee for twenty years and was a delegate to the Democratic National Convention in 1952 and 1956, serving on the Rules Committee on both occasions; and

WHEREAS, in 1946 Eugene Starnes received a citation from President Truman and Basil O'Connor for meritorious service performed in behalf of the nation and the armed forces during the Second World War while serving a 6 year term as chairman of the Marshall Chapter of the American Red Cross; and

WHEREAS, as Deputy Director of Savings Bonds with the United States Treasury Department serving all of North Alabama he won the first, coveted "Topper" award in the United States in 1963 and again was recipient of the award in 1964; and

WHEREAS, Eugene Starnes is a member of the Chamber of Commerce and is a charter member of the Alabama Council of Retail Merchants, having served as president of the Council in 1960 and 1961; and

WHEREAS, Eugene Starnes, who is noted for his gospel singing ability, is a past president of Marshall County Singing Convention, Sand Mountain Singing Convention, Alabama State Singing Convention, and in 1956 was voted first "Mr. Gospel Disc Jockey" for the U.S.A.; and

WHEREAS, he is a prominent and influential leader in the civic, social and religious life of his community; and

WHEREAS, he is an effective and dedicated spokesman for the State of Alabama, and through his warm and friendly

manner has won many friends for the State of Alabama and himself throughout the country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body wishes to express our deepest appreciation to Eugene Starnes for his many contributions to the State of Alabama. Every best wish is extended to Eugene Starnes for his long years of fruitful endeavor as well as many years of enjoyable retirement which he so richly deserves.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to our friend, Gene Starnes.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 353 S.J.R. 126—Gilmore

SENATE JOINT RESOLUTION

WHEREAS, the Adamsville, Alabama, Dixie Youth Boys League baseball team, known as "78 West" won the State finals in Selma, Alabama, on June 29, 1976; and

WHEREAS, this victory enables "78 West" to represent the State of Alabama in the Dixie Youth Boys League World Series to be held in Gulf Breeze, Florida; and

WHEREAS, Coach Gene Bates has done an outstanding job in teaching and coaching the members of this team in the skills of baseball and the virtues of sportsmanship;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate and commend Coach Gene Bates and the members of 78 West for winning the state championship and wish them success in the World Series.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the coach and each team member.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 354 S.J.R. 128—Mims

SENATE JOINT RESOLUTION

COMMENDING THE LOVELY MRS. ALBERT McDON-

ALD ON ATTAINING NATIONAL RECOGNITION.

WHEREAS, the Alabama Legislature notes with much pride the national recognition attained by Mrs. Albert McDonald, the vivacious and lovely wife of our esteemed colleague, Senator Albert McDonald; and

WHEREAS, the FARM JOURNAL, the National Business Magazine of American Agriculture, which is received by many thousands of subscribers throughout the nation, featured the beautiful Shirley McDonald on the cover of its August, 1976 edition; and

WHEREAS, in its Farm Family Living article, "Agriculture Needs You" additional photographs of Shirley are displayed; and

WHEREAS, Shirley McDonald is cited by FARM JOURNAL for her outstanding work with the local Council for International Visitors which promotes King Cotton; and

WHEREAS, Shirley McDonald is a dedicated promoter of cotton fashions; and

WHEREAS, the Alabama Legislature feels that FARM JOURNAL could not have chosen a more attractive or representative Alabama lady to feature than Mrs. Albert McDonald; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does heartily congratulate and commend Mrs. Albert McDonald for her outstanding work in promoting cotton and the national recognition which her efforts have earned for her.

BE IT FURTHER RESOLVED That the Alabama Legislature passes this resolution as a token of our esteem, admiration and appreciation for Mrs. Albert McDonald.

RESOLVED FURTHER, That copies of this resolution be presented to Mrs. Albert McDonald and Senator Albert McDonald.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 355 S. 20—McDonald (A)

AN ACT

To further amend Section 48, Title 36, Code of Alabama 1940, as amended, which section relates to local traffic control devices, so as to

allow motor vehicles in certain circumstances to turn right or left on a red traffic signal.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 48, Title 36, Code of Alabama 1940, as amended, is hereby further amended to read as follows:

"Section 48. LOCAL TRAFFIC CONTROL DEVICES.—Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they may deem necessary to indicate and carry out the provisions of this chapter or local traffic ordinances or to regulate, warn, or guide traffic. Provided, however, that motor vehicles may turn right on a red traffic signal or left onto one way streets in that direction on a red traffic signal; at all intersections within this state after coming to a stop and seeing their way safe unless there is a sign erected at a certain intersection by the responsible municipal or county authority in the interest of public safety which prohibits said turn by motor vehicles."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 356 S. 81—McMillan

AN ACT

To further amend Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, which established "The Limited Policemen's Retirement and Relief System of Birmingham, Alabama" as heretofore amended, by providing for minimum monthly benefits for members of the system and the widows of deceased members of the system, and by providing for supplemental allowances for the payment of such minimum monthly benefits and by giving same retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955, as heretofore amended, be and the same hereby is further amended by adding thereto the following:

"Section 6A. Subsection (1). Effective April 24, 1975, any member of the system whose total benefits are less than $300.00 per month, shall be entitled to a further benefit of such

amount not in excess of $150.00 per month as when added to the benefits otherwise provided for by this Act shall bring his total benefits under this Act to $300.00 per month.

'Subsection 2. Effective April 24, 1975, the widow of any deceased member of the system whose total benefits are less than $140.00 per month shall be entitled to a further benefit not in excess of $100.00 per month as when added to the benefits otherwise provided for by this Act shall bring her total benefits under this Act to $140.00 per month.

'Subsection 3. This Act is to be given retroactive effect to April 24, 1975, in order to relieve the recipients of the supplemental benefits provided for by the Legislature under Act No. 83, Third Special Session of 1975, from the harsh effects resulting from the failure of the Legislature to carry forward its provisions in the subsequent passage of Act No. 305 of the Regular Session of the Legislature of Alabama of 1975.

'Subsection 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

'Subsection 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and the supplemental allowances provided for herein shall be payable from April 24, 1975, but the City of Birmingham shall receive full credit for any payments made pending the passage of this Act."

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 357 S. 138—Vacca

AN ACT

To authorize and empower Recorders of municipalities of less than 300,000, according to the last or any subsequent federal census, to suspend sentences and grant probation to persons convicted of violating municipal ordinances; to authorize investigations; to authorize imposition of terms and conditions or probation; to authorize revocation of probation and re-arrest of defendants; to provide for the discharge of persons complying with the terms and conditions of probation; to require Recorders to file monthly reports with the governing body; and to preserve the pardon and parole power of the mayor.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other powers and authority heretofore granted Recorders of municipalities having a population of less than 300,000, according to the last or any subse-

quent federal census, exercising authority under the provisions of Chapter 12, Title 37, Code of Alabama 1940, as amended, Recorders of the several such municipalities of this state are hereby granted authority to and may suspend execution of sentence and place on probation for varying periods of time, as herein provided, any person convicted for violations of municipal ordinances in such Recorders' Courts. Such Recorders shall not be authorized to suspend execution of sentences imposed by them in the enforcement of state laws under the jurisdiction conferred on Recorders by Section 594, Title 37, Code of Alabama 1940, as amended.

Section 2. Such Recorders may make or cause to be made such investigations as they deem necessary or desirable in considering the suspension of sentences; such investigations may cover and include, but shall not be limited to, the circumstances of the offense, the criminal record and social history and present condition of the defendant. The Recorder may appoint a suitable person or persons to make or assist him in investigations herein authorized. Such Recorders may prescribe the terms and conditions upon which a person's sentence may be suspended and probation granted and may, at any time, modify the terms and conditions of probation. Such conditions may include a requirement that the probationer shall avoid injurious or vicious habits; avoid persons or places of disreputable or harmful character; report to the Recorder or designated person acting for said Recorder; remain within a specified place; work faithfully at suitable employment insofar as possible; and to pay the fine imposed and cost or such portions thereof as the Recorder may determine, and in such installments as he may direct. Upon the failure of any person to observe the terms and conditions of his probation, to be determined by the Recorder after a hearing, such Recorder shall have authority to revoke the probation and direct his re-arrest and return to custody. Any person placed on probation, arrested for violations of the terms and conditions thereof, shall be required to carry out the sentence imposed as though no probation had been granted to him, notwithstanding his sentence would have ended but for the suspension thereof. The period of probation or suspension of execution of sentence shall be determined by the Recorder and may exceed the length of the sentence but shall not exceed a period of two years from date of sentencing. Upon the satisfactory fulfillment of the terms and conditions of probation or suspension of sentence, such Recorder shall by order duly entered on the minutes of the court, discharge the defendant. The Recorder shall report, in writing, the actions taken by him in connection with suspension of sentences and the granting of probation to the Council or other governing body at the first regular

meeting thereof in the succeeding month with his reasons for taking such actions.

Section 3. No provision of this act shall have the effect of or be construed as repealing, restricting or limiting the authority of the mayor of any such city or town to remit fines and commute sentences or grant pardons or paroles as provided for by Section 599, Title 37, Code of Alabama 1940, as amended.

Section 4. If any clause, sentence, paragraph, or section of this act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or otherwise unlawful, such judgment shall not affect, impair, or invalidate any other portion of this act, but shall be confined in its operation to the clause, sentence, paragraph, or section directly involved in the controversy in which judgment shall be granted; it being the intention that such judgment shall not affect the part of the act which remains.

Section 5. This act shall become effective upon the passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 358 S. 195—Mitchell

AN ACT

To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 11, 15 16, 18, 21, 23, 29, 31, 37, 38, 39, 47, and 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 663 of the Regular Session 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 1. (a) General and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, according to the latest federal decennial census, except cities and towns organized under a commission form of government, shall be held and conducted at the times and in the manner herein prescribed; and the expenses of and costs incident to the conduct of all such elections shall be paid out of the treasury of the city or town holding the election.

"(b) Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the official time established by the law of the State of Alabama then in effect. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day."

Section 2. Section 3 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby amended to read as follows:

"Section 3. It shall be the duty of the mayor to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in such city or town then by posting notices thereof in three public places in the city or town. When the notice is of a regular election such notice shall be published no earlier than the second Tuesday and no later than the third Tuesday in June, preceding the election. When the notice is of a special election to be held on the second Tuesday in a month, such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. Whenever and wherever two or more municipal offices of the same name (constituting a group) are to be filled at the regular election, prior to the first day of April preceding the election the municipal governing body shall by ordinance designate each of such offices by number. When such offices have been so designated by number, the notice of the election shall clearly indicate that such

offices have been so numbered and each candidate for any such offices, in the announcement of his candidacy, shall designate the number of the office for which he is a candidate. The notice of an election for municipal officers shall be substantially in the following form:

"Notice of Election of Municipal Officers."

"Notice is hereby given that on (day of week), (date — month, day and year) an election for the purpose of electing a mayor (or other chief executive) and board of aldermen (town or city council or other municipal governing body, or if the positions on such governing board have been designated by number, the position numbers to be filled at such election) and such other officers as pursuant to duly enacted law or ordinance, or any or all of such officers, are to be elected at such election for the city (or town) of, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of, Alabama, and have resided therein for thirty days or more immediately preceding the date of such election, will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to section 5 of this Act)."

Section 3. Section 5 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby amended to read as follows:

"Section 5. The municipal governing body shall, when it orders an election, designate at least one place of voting in each ward, and if such ward has been divided into voting districts then at least one place of voting in each district. In wards or voting districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters the municipal governing body may divide alphabetically the list of qualified voters in such ward or voting district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or voting district. Nothing herein shall be construed to require the municipal governing body to designate more than one voting place in any ward which has not been subdivided nor more than one voting place in any voting district, nor to provide more than one ballot box for every three hundred qualified electors when paper ballots are used or more than one voting machine for every six hundred qualified electors where voting machines are used.

"Notwithstanding the above provisions or any other provision of this act, the governing body of a municipality may

establish in any ward or in the municipality where voting machines are used a voting center, which term means any place in the ward or municipality which the governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections. The ordinance so designating voting centers shall state the location of the voting center and, if such voting center is to be utilized in a ward, then the boundaries of the ward in which the electors shall reside, to be entitled to vote at said voting center. The voting list furnished to the election officers serving at the voting center shall contain the names of all qualified electors of the ward or municipality on a single roll; however, when the roll contains more than twenty four hundred names the list of qualified electors on the roll shall be divided into alphabetical sections of not more than twenty four hundred names per section. No elector shall vote at any voting center other than the voting center of the ward of which he is a qualified elector but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

"The municipal governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at any election, however, there shall be maintained at each voting center at least one voting machine for each six hundred qualified electors, or fraction thereof, residing in the ward served by the voting center.

"For each voting center where only one voting machine is to be used the election officials shall consist of an inspector, a chief clerk and a first and second assistant clerk. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where four or more voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines, or fraction thereof. The municipal governing body must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the municipality or the ward officers to hold the election as herein provided. The officers shall perform all duties imposed on election officers hereunder and in addition thereto the following duties: One of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified elec-

tors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words 'voter identification card' and they shall contain a space in which shall be entered the signature of the election officer who delivered the card to the elector. The identification card shall bear neither a number nor the name of the voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid for. The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials. The poll list shall be signed or the name of the voter recorded as provided in Act No. 201, approved July 16, 1953, and codified in Section 175(1) of Title 17, Code of Alabama 1940, as amended. The returns of the canvass as required by law shall be filled out, verified and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted and shall be signed and certified by the chief inspector, if any, an inspector, or chief clerk, and not less than two assistant clerks. Election officers serving at voting centers, shall be compensated for their services in the same manner and at the same rates provided by law for election officers under the provisions of Section 7, as amended, of this act. It shall be the duty of all election officials to see that order is maintained in the polling place and the inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in the appropriate voting machine."

Section 4. Section 6 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby amended to read as follows:

"Section 6. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for any municipal officers, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

"There shall be but one form of ballot for all the candi-

dates for municipal office, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates for any office on the ballot which have been duly made and not withdrawn, as hereinafter provided together with the title of the office for which they are candidates.

"All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in the appropriate place the words 'vote for one' (or 'two' or other number as the case may be) to indicate the number which may be elected to each office.

"Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

"Absentee ballots shall be in the same form as regular ballots except that there need not be attached to them a detachable stub, nor should a square be printed at the bottom of the ballot, and there shall be printed at the top of the ballot the words 'Official Absentee Ballot' and at the end thereof shall be substantially as follows:

"State of Alabama

"County of

"Before me, the undersigned authority, personally appeared, who is known (or made known) to me and who, being first duly sworn, deposes and says: I am a bona fide resident and qualified elector of precinct (ward) or district in County, Alabama or that I was a bona fide resident and qualified elector of precinct (ward) or district until my removal therefrom on the day of, 19....., a date not more than thirty days before the election day, and but for such removal I still satisfy the Alabama registration requirements. I have not heretofore voted in the election to be held on, 19....., and I am entitled to vote therein; but, I will be away from the county of my residence (or former residence) or unable to go to the polls on such day. Therefore I have marked the foregoing absentee

ballot and hereby declare the same to be my ballot in said election.

.....

(Signature or mark of voter.)

"Sworn to and subscribed before me this day of, 19..... I certify that the affiant is known (or made known) to me to be the identical party he claims to be.

.....

(Signature of Official)

.....

(Title of official."

For Mayor Vote for one	
()	John Doe
()	Richard Roe
For City Council Place Number One	
()	
()	
For City Council Place Number Two	
()	
()	
Etc.	

"The mayor shall cause to be printed on the ballots the name of any qualified elector who has, by five o'clock p.m. on the first Tuesday in July preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form:

"State of Alabama, ... County. I, the undersigned, first being duly sworn, depose and say that I am a citizen of the city (or town) of, in said county, and reside at, in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than ninety (90) days; that I desire to become a candidate for the office of in said city (or town) for the term of years at the election for such office to be held on the day of, 19.....; that I am duly qualified or will be so qualified to hold said office if elected thereto and I hereby request that my name be printed upon

the official ballot at said election.

"(Signed)

"Subscribed and sworn to before me by said on this day of, 19.....

"(Style of officer)"

"No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position in a group of offices of the same name when such offices have been designated by number as authorized in section 3 of this Act.

"All statements of candidacy filed with the mayor within the time prescribed above shall be preserved for six months after the election for which such statements of candidacy were filed."

Section 5. Section 6-a. of Act 663 of the Regular Session, 1961, Acts of Alabama 1961, p. 827), as amended and added by Act No. 404 of the Regular Session, 1965, (Acts of Alabama, 1965, p. 582), is hereby amended to read as follows:

"Section 6-a. In the event only one person has filed a statement of candidacy for an office by 5 o'clock p.m. on the first Tuesday in July preceding the date set for an election of municipal officers pursuant to section 6 of this Act, then such person shall for all purposes be deemed elected to such office, any provisions of this Act to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the clerk, certifying the fact that only one person filed a statement of candidacy for the office of (naming the office) by 5 o'clock on the first Tuesday in July preceding the day of, 19....., the date set for an election of municipal officers in the city (town) of, Alabama, and setting forth the name of such person. At its first regular meeting after receiving such statement the governing body of the municipality shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a certificate of election to such person. For the purpose of this Act each place on the council of a municipality organized under the mayor-council form of government shall be considered a separate office."

Section 6. Section 7 of Act 663 of the Regular Session, 1961, (Acts of Alabama, 1961, p. 827), as amended by Act No.

157 of the Regular Session of 1971 (Acts of Alabama, 1971, p. 431), is hereby further amended to read as follows:

"Section 7. The municipal governing body, or a majority of them, must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the municipal governing body shall also appoint from the qualified electors of the city, three inspectors, two clerks and a returning officer who shall meet on the day of the election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election, and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast then such governing body will appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

"In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body, or a majority of them, in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 10 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

"The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election."

"The mayor or other chief executive officer of the munici-

pality shall notify the inspectors, clerks and returning officers of their appointment.

"The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day, and each election officer at a polling place where elections are conducted, in whole or in part, by voting machines shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered."

Section 7. Section 8 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 8. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by seven thirty o'clock of the morning of the election; and at eight o'clock open the several polling places as designated, and keep them open without adjournment or recess until seven o'clock in the afternoon, and no longer.

"The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by seven-thirty o'clock of the morning of the election; and at eight o'clock a.m., shall open the polls and keep them open without adjournment until seven o'clock p.m., and no longer except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock p.m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

"When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer.

"Upon receipt of the list showing the names of every person whose name appears on the official list of qualified electors for that particular polling place who have voted absentee ballots in the election, the election officials shall strike from the list of qualified electors kept at the polling place the name of every person who has voted an absentee ballot; and no person who has voted an absentee ballot shall vote again.

"Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

"After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

"When voting machines are used the election officials shall also comply with the provisions of section 27 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

"The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall, at the same time, be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place."

Section 8. Section 11 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 11. During the thirty days next preceding an election at which voting machines will be used, the municipal governing body shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the municipal governing body may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to

be posted, published, advertised or distributed among the electors in such manner as they may deem desirable.

Section 9. Section 15 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 15. Each candidate may name a watcher for every polling place; a polling place is hereby defined to mean a location for ballot boxes or voting machines regardless of the number thereof. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

"When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

"When voting machines are used the watchers shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machines, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 27. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine."

Section 10. Section 16 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 16. (a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within the corporate limits of such city or town, and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective

box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk on or before the first Tuesday in July before a regular municipal election, who shall file and retain each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election by posting copies thereof in at least three public places in the municipality.

Section 11. Section 18 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 18. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county thirty days and in the ward thirty days prior to the election and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within thirty days next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote in such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

"Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may

challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 21 hereof and identifies himself in the manner therein prescribed."

Section 12. Section 21 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 21. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

"Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath wilfully and falsely, he may be punished thereafter and may, on conviction, be confined at hard labor for the county for not more than twelve months or by a fine of not more than five hundred dllars ($500) nor more than two thousand dollars ($2000) or by being both fined and sentenced to hard labor. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he may be punished therefor and may, upon conviction, be confined at hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000) or by being both fined and sentenced to hard labor.

"The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of
I do solemnly swear (or affirm: 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. 2. That I have resided in the State of Alabama thirty days next preceding this day. 3. That I have resided thirty days in this county next preceding this day. 4. That I have actually resided thirty days in this ward next preceding this day, or within thirty days next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am eighteen years of age or upwards.

6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts in any other voting district) in this election. 11. My occupation is(the name of my employer is 12. My residence is(if in a city or town, give street number). 13. During the last thirty days I have resided at 14. That and have personal knowledge of my residence in the State of Alabama for thirty days, in this county for thirty days and in this ward for thirty days next preceding this day. 15. This affidavit has been read to me. So help me God.

..... Signature.

"Subscribed and sworn to before me this day of, 19.....

"The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of I, ..., do solemnly swear (or affirm) that I have known (here insert the name of the person offering to vote) for the last thirty days next preceding this election, and that he has been a resident of this state for said time, thirty days in this county, and he has actually resided in this ward for the last thirty days preceding this election, and within thirty days next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for thirty days next preceding this election; that my occupation is; that my residence is; my address is Signature.

"Subscribed and sworn to before me this day of, 19.....

"After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

"Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected; and his ballot marked with his name shall be laid aside by the inspectors."

Section 13. Section 23 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 23. Each voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

"Electors shall not be entitled to vote for any person whose name does not appear on the ballot and no elector shall write in the name of any person on the ballot.

Section 14. Section 29 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 29. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials.

"The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 31(a) of this Act, and all other records required by this Act, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

"The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

"The first assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured."

Section 15. Section 31 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), as amended by Act No.

2230 of the Regular Session, 1971, (Acts of Alabama 1971, p. 3587) is hereby further amended to read as follows:

"Section 31. (a) The election officers shall, with the aid of diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he is blind or that he cannot read the names on the voting machines, or that by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon the voter may request assistance of two (2) inspectors of his choice or some other person of his own choice and he shall be assisted by the two election officials of his choice or by such other person, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters: the voter's name; the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election officials or such other person furnishing the assistance. Further, should an illiterate voter desire the assistance of a federal observer in casting his ballot the election officials shall permit such federal observer to assist such illiterate voter in casting his ballot. But if any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instruction concerning the manner of voting, he may choose an election officer, or other person of his choice, who shall give him such instructions, but no official, or other person, giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote. Neither a candidate nor a poll watcher shall assist a voter hereunder.

"(b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein."

Section 16. Section 37 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby further amended to read as follows:

"Section 37. Any qualified elector of a city or town shall be entitled to cast an absentee ballot under and pursuant to the election laws of the State of Alabama in any municipal election; and, the provisions of Act No. 1147, H. 113, Regular Session of the Legislature, 1975, which act was approved October 10, 1975, shall be applicable to the casting and handling of absentee ballots in municipal elections; and, provided further, that any amendments, extensions or deletions from said act, in the future, shall likewise be applicable to municipal elections. The register, or the person authorized to act in his stead; the town clerk, city clerk, or other officer performing the duties of the clerk, as the case may be, shall have and perform the duties required by the aforesaid act. All other laws of this state regulating and providing for voting of an absentee ballot shall apply to elections held under this act."

Section 17. Section 38 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby amended to read as follows:

"Section 38. The register, or the person authorized to act in his stead; the town clerk, city clerk, or other officer performing the duties of the clerk, as the case may be, in municipal elections held under the provisions of this act, shall comply with the provisions of Act No. 1147, H. 113, Regular Session of the Legislature, 1975, approved October 10, 1975, with respect to marking, enrolling, posting and delivering of lists showing the names and addresses of applicants for an absentee ballot."

Section 18. Section 39 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827), is hereby amended to read as follows:

"Section 39. Any mayor or other chief executive officer of a municipality who wilfully fails to give notice of any municipal election as required in this act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars ($500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a

misdemeanor, and, on conviction, must be fined not less than one hundred dollars ($100).

"Any mayor or other chief executive officer of a municipality, or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails or refuses to perform any of the duties prescribed in this act shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100) unless otherwise provided in this act."

Section 19. Section 47 of Act 663 of the Regular Session, 1961, (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 47. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any qualified elector at any municipal election who takes or receives any money or other valuable things, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500). No witnesses shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

"Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election, or having voted at such election votes a second time, whether in the same ward or another, shall, on conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any absentee voter who shall wilfully make or subscribe to an oath falsely, in order to qualify himself to vote at a municipal election, shall upon conviction, be punished by hard

labor for the county for not more than twelve months or by a fine of not less than five hundred dllars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely shall, upon conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1000), and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months."

Section 20. Section 48 of Act 663 of the Regular Session, 1961 (Acts of Alabama 1961, p. 827) is hereby amended to read as follows:

"Section 48. Any person who shall wilfully fail or refuse to perform or discharge any duty relating to absent voters required of him by this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars ($100).

"Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars (500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly influence, any election in the preparation of his ballot, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars ($10) nor more than five hundred dollars ($500).

"Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift or intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100).

"Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid, for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and may also be sentenced to hard labor for the county for not more than six months.

"Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1000), and may also be imprisoned in the county jail for not less than thirty days nor more than six months.

"Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred dollars ($100); but this shall not apply on the trial of any contested elections.

"Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than two hundred dollars ($200).

"Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1000), and may also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

"Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, on conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

Section 21. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 359 S. 212—Bank

AN ACT

To require the State department of education to establish a program of courses or lectures in the public schools of this State to teach the principles of patriotism in its curriculum.

WHEREAS, the principles and faith and the noble ideals which brought into being this great nation and which light our path should be thankfully appreciated by all; and

WHEREAS, the path was first trod two hundred years ago and this is the Bi-Centennial of the birth of the greatest country in the world; and

WHEREAS, today, more than ever before, the American people need a rebirth of the grand old American Spirit with candid outspoken pride and faith in our beloved nation; and

WHEREAS, for too long now responsible citizens have rested by the stream of passiveness while allowing a few with acts of depredation, criticism and general negation to tear at the very roots of democracy and the American dream; and

WHEREAS, like Henry Cabot Lodge, we believe that "of Americanism of the right sort we cannot have too much"; and

WHEREAS, today there is a dearth of the leadership that was exhibited by the heroes of the Revolutionary period and of the pride of heritage displayed by our ancestors, whose sacrificed blood built the American dream; and

WHEREAS, the genius for selfless and splendid accomplishments by the United States of America has resulted from the tenet that: every right implies responsibility — every opportunity requires obligation — and every possession imposes duty; and

WHEREAS, the citizens of Alabama have always carried the lighted candle in the procession for patriotism; and

WHEREAS, each citizen in order to realize his unique worth, to enjoy the best this great nation offers and to contribute to the enrichment of all of its people must have an understanding of America's rich heritage of patriotism; and

WHEREAS, the schools represent the best efforts of the community, the State, and the nation to improve the quality of life for each person and all mankind; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The State department shall establish a program of courses or lectures for the public schools in this State to teach the principles of patriotism in its curriculum.

The State Department of Education shall establish units within the existing social studies courses to teach the principles of patriotism in its curriculum.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 360 S. 216—Bank

AN ACT

To require the state board of education to afford all students attending public kindergarten, primary and secondary schools the oppor-

tunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

WHEREAS, we are in the two hundredth year of the existence of our great nation and are celebrating our bicentennial; and

WHEREAS, there is a need for the resurgence of the patriotic spirit of our forefathers; and

WHEREAS, our school children should participate in the spirit and growth of the American ideals which made our country great; and

WHEREAS, our school children need to be instilled with a new sense of patriotism and pride in our nation; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The state board of education shall afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 361 S. 196—Mitchell

AN ACT

To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 17, 19, 22, 24, 30, 32, 38, 39, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of

ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 2. Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the official time established by the law of the State of Alabama then in effect. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day. The phrase 'municipal governing body' when used in this bill shall mean and refer to the board of commissioners of the city."

Section 2. Section 4 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 4. (a) It shall be the duty of the mayor or other chief executive officer of the city or town to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in the city or town then by posting notices thereof in three public places within the municipality. When the notice is of a regular election such notice shall be published no earlier than the second Tuesday and no later than the third Tuesday in May preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. Whenever and wherever two or more commis-

sioners are to be elected the notice of the election shall clearly indicate which positions are to be filled, and each candidate in the announcement of his candidacy, shall designate the number of the position for which he is a candidate.

"(b) The notice of an election for commissioners shall be substantially in the following form:

"Notice of Election of Commissioner (or Commissioners) of the City (or Town) of _____, Alabama.

"Notice is hereby given that on Tuesday, _____ (date-month, day and year) an election for the purpose of electing a commissioner for position number _____ (one, two or three) or commissioners for positions number _____ (one, two or three, as the case may be) on the Board of Commissioners of the city (or town) of _____, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of _____, Alabama, and have resided therein for thirty days or more immediately preceding the day of such election will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 6 of this Act."

Section 3. Section 6 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 6. The board of commissioners shall, when it orders an election, designate at least one place of voting in each ward and if such ward has been divided into voting districts then at least one place of voting in each district. In those wards or districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters, the board of commissioners may divide alphabetically the list of qualified voters in such ward or district into groups and assign each qualified voters a designated box or voting machine in such ward or district. Nothing herein contained shall be construed to require the board of commissioners to designate more than one voting place in any ward which has not been divided into districts nor more than one voting place in any district, nor to provide a ballot box for every three hundred qualified electors when paper ballots are used or a voting machine for every six hundred qualified electors where voting machines are used.

"Notwithstanding the above provisions or any other provision of this act, the governing body of a municipality may establish in any ward or in the municipality where voting

machines are used a voting center, which term means any place in the ward or municipality which the governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections. The ordinance so designating voting centers shall state the location of the voting center and, if such voting center is to be utilized in a ward, then the boundaries of the ward in which the electors shall reside, to be entitled to vote at said voting center. The voting list furnished to the election officers serving at the voting center shall contain the names of all qualified electors of the ward or municipality on a single roll; however, when the roll contains more than twenty four hundred names the list of qualified electors on the roll shall be divided into alphabetical sections of not more than twenty four hundred names per section. No elector shall vote at any voting center other than the voting center of the ward of which he is a qualified elector but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

"The municipal governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at any election, however, there shall be maintained at each voting center at least one voting machine for each six hundred qualified electors, or fraction thereof, residing in the ward served by the voting center.

"For each voting center where only one voting machine is to be used the election officials shall consist of an inspector, a chief clerk and a first and second assistant clerk. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where four or more voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines, or fraction thereof. The municipal governing body must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the municipality or the ward officers to hold the election as herein provided. The officers shall perform all duties imposed on election officers hereunder and in addition thereto the following duties: One of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified electors an identi-

fication card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words 'voter identification card' and they shall contain a space in which shall be entered the signature of the election officer who delivered the card to the elector. The identification card shall bear neither a number nor the name of the voter.) Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid for. The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials. The poll list shall be signed or the name of the voter recorded as provided in Act No. 202, approved July 15, 1953, and codified in Section 175(1) of Title 17, Code of Alabama 1940, as amended. The returns of the canvass as required by law shall be filled out, verified and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted and shall be signed and certified by the chief inspector, if any, an inspector, or chief clerk, and not less than two assistant clerks. Election officers, serving at voting centers, shall be compensated for their services in the same manner and at the same rates provided by law for election officers under the provisions of Section 7, as amended, of this act. It shall be the duty of all election officials to see that order is maintained in the polling place and the inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in the appropriate voting machine."

Section 4. Section 7 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 7. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for commissioners, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

"There shall be but one form of ballot for all the candidates for the board of commissioners, and every ballot pro-

vided for use at any polling place in a municipal election shall contain the names of all candidates for any position to be filled at such election which have been duly made and not withdrawn, as hereinafter provided, together with the number of the position for which they are candidates.

"All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given and in the appropriate place the words 'vote for one.'

"Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

"Absentee ballots shall be in the same form as regular ballots except that there need not be attached to them a detachable stub, nor should a square be printed at the bottom of the ballot, and there shall be printed at the top of the ballot the words 'Official Absentee Ballot' and the end thereof shall be substantially as follows:

"State of Alabama

"County of

"Before me, the undersigned authority, personally appeared, who is known (or made known) to me and who, being first duly sworn, deposes and says: I am a bona fide resident and qualified elector of precinct (ward) or district in County, Alabama, or that I was a bona fide resident and qualified election of precinct (ward) or district until my removal therefrom on the day of, 19....., a date not more than thirty days before the election day, and but for such removal I still satisfy the Alabama registration requirements. I have not heretofore voted in the election to be held on, 19....., and I am entitled to vote therein; but, I will be away from the county of my residence (or former residence) or unable to go to the polls on such day. Therefore I have marked the foregoing absentee ballot and hereby declare the same to be my ballot in said election.

.....

(Signature or mark of voter.)

"Sworn to and subscribed before me this day of, 19..... I certify that the affiant is known (or made known) to me to be the identical party he claims to be.

.....
(Signature of Official)

.....
(Title of official)."

	For Commissioner No. 1 (Vote for one)
()	John Doe
()	Richard Roe
()	James Jones
()	etc.
	For Commissioner No. 2 (Vote for one)
()	Sam Johnson
()	William Barnes
()	etc.
	For Commissioner No. 3 (Vote for one)
()	J. W. Smith
()	Carl Williams
()	etc.

"The mayor or other chief executive officer of the municipality shall cause to be printed on the ballots the name of any qualified elector who has, by five o'clock, p.m., on the third Tuesday in June preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form:

"State of Alabama, ... County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of, in said county, and reside at in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than ninety (90) days; that I desire to become a candidate for Place No. on the Board of Commissions of said city (or town) for the term of years at the election of such office to be held on the day of, 19.....; that I am duly qualified or will be so qualified to hold said

office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (signed)..... Subscribed and sworn to before me by said on this the day of, 19.....

.....(Style of officer).

"No names shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position on the board of commissioners.

"All statements of candidacy filed with the mayor or other chief executive officer of the city or town within the time prescribed above shall be preserved for six months after the election for which such statements of candidacy were filed."

Section 5. Section 7-a of Act 664 of the Regular Session of 1961 (Acts of Alabama 1961, p. 868), as amended by Act 166 of the Regular Session of 1965, (Acts of Alabama 1965, Vol. I, p. 233) is hereby further amended to read as follows:

"Section 7-a. In the event only one person has filed a statement of candidacy for an office by 5 p.m. on the third Tuesday in June preceding the date set for an election of municipal officers pursuant to Section 7 of this Act, then such person shall for all purposes be deemed elected to such office, any provisions of this Act to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy for the office of (naming the office) by 5 p.m. on the third Tuesday in June preceding the day of, 19....., the date set for an election of municipal officers in the city (town) of, Alabama, and setting forth the name of such person. Immediately upon receiving such statement the governing body of the municipality shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a certificate of election to such person, and such person shall be deemed officially elected to the said office as of the date of such certificate."

Section 6. Section 8 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868), as amended by Act 158 of the Regular Session, 1971 (Acts of Alabama 1971, Vol. I, p. 432) is hereby further amended to read as follows:

"Section 8. The board of commissioners must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the board of commissioners shall also appoint, from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the board of commissioners may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election; and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast the board of commissioners may appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

"In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 11 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

"The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

"The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

"The returning officer, the inspectors and the clerks at

polling places where voting is solely by paper ballots shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day, and each election officer at a polling place where elections are conducted, in whole or in part, by voting machines shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered."

Section 7. Section 9 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961; p. 868) is hereby amended to read as follows:

"Section 9. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by seven thirty o'clock of the morning of the election; and eight o'clock open the several polling places as designated, and keep them open without adjournment or recess until seven o'clock in the afternoon, and no longer.

"The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock of the morning of the election; and at eight o'clock, a.m., shall open the polls and keep them open without adjournment until seven o'clock, p.m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p.m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to laws, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

"When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer.

"Upon receipt of the list showing the names and addresses of every person whose name appears on the official list of qualified electors for that particular polling place who have voted

absentee ballots in the election, the election officials shall strike from the list of qualified electors kept at that polling place the name of every person who has voted an absentee ballot; and no person who has voted an absentee ballot shall vote again.

"Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

"After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

"Where voting machines are used the election officials shall also comply with the provisions of Section 28 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

"The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place."

Section 8. Section 12 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 12. During the thirty days next preceding an election at which voting machines will be used, the board of commissioners shall place on public exhibition in such public places and at such times as it may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot labels, and showing the offices and questions to be voted upon, and, so far as practicable, the names and arrangements of the candidates for office. Such machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine which is to be assigned for use in an election shall be used for such public exhibition and instruction after having been prepared and sealed for the election. Prior to any election the board of commissioners may cause copies of any diagram or diagrams, required to be furnished with voting machines at polling places, to be made, either in full size or reduced size, and to be posted, published, adevrtised or distributed among the electors in such manner as they may deem desirable."

Section 9. Section 16 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 16. Each candidate may name a watcher for every polling place; a polling place is hereby defined to mean a location for ballot boxes or voting machines regardless of the number thereof. The watcher, upon presentation of his appointment in writing and being sworn faithfully to observe the rule of law prescribed for the conduct of elections, shall be permitted to be present at the place where ballots are cast from the time the polls are opened until the ballots are counted and certificates of the result of the election are duly signed by the proper election officers.

"When paper ballots are used at the election the watcher shall be permitted to see the ballots as they are called during the count.

"When voting machines are used the watchers shall, upon presentation of their appointment in writing, be permitted to be present when the machines are being prepared and sealed for use at the election. On election morning the watcher may witness the breaking of the seal on the envelope containing the key or keys to the voting machine, and, when the machine has been unlocked and the counters exposed, he shall carefully examine each and every counter to see that it registers zero, and he shall also examine the ballots and satisfy himself that they are in their proper places on the machine and that the machine is properly placed. Such watcher must also sign a certificate setting out the above facts, as required by Section 28. He may also be present and witness the opening of the machine after the polls have closed, the reading and tabulating of the result of the election as recorded on the voting machine, and the resealing of the machine."

Section 10. Section 17 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868), is hereby amended to read as follows:

"Section 17. (a) The mayor or other chief executive officer of the city or town shall cause to be made a list of the qualified voters who reside within the corporate limits of such city or town, and who are registered to vote regular ballots, dividing the same into separate alphabetical lists of the qualified voters of each ward, where such city or town has been divided into wards and all qualified voters thereof vote at one box or voting machine, or dividing such list into separate alphabetical lists of voters authorized to vote at each respective box or voting machine if the list of qualified voters has been divided alphabetically and each alphabetical group assigned a

box or machine at which to vote. He shall have such lists compared with the official list of electors qualified to vote during the current year on file in the probate office of the county in which the municipality is situated, and shall certify on each list prepared pursuant to this section that it is a correct list of the voters who are qualified to vote regular ballots in the municipality, ward, ballot box or voting machine to which it appertains. He shall have full access to all registration lists of the county for this purpose. A copy of each list so prepared shall be filed with the municipal clerk, on or before the second Tuesday in May preceding a regular municipal election, who shall file and retain each such list as a public record in his office. The clerk shall prepare a copy of the list of qualified voters authorized to vote at each of the respective polling places in the municipality, and prior to the opening of the polls on election day he shall furnish to the inspectors, or one of them, of each ballot box or voting machine at each polling place a copy of the list of qualified voters authorized to vote at the box or voting machine for which he was appointed an inspector. The clerk shall also publish the list of qualified voters authorized to vote at the ensuing election at least five days prior to the election, either by publication in a newspaper of general circulation in the municipality or by posting copies thereof in at least three public places in the municipality, as directed by the municipal governing body.

Section 11. Section 19 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 19. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is registered and qualified elector of the State of Alabama, who has resided in the county thirty days and in the ward thirty days prior to the elections, and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within thirty days next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote at such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

"Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward

may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 22 hereof and identifies himself in the manner therein prescribed."

Section 12. Section 22 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 22. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

"Before administering the oath prescribed, one of the inspectors shall inform the challenged person that if he takes the oath wilfully and falsely, he may be punished therefor and may, on conviction, be confined at hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000) or by being both fined and sentenced to hard labor. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he may be punished therefor and may, upon conviction, be confined at hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000) or by being both fined and sentenced to hard labor.

"The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitution and laws of the State of Alabama. 2. That I have resided in the State of Alabama thirty days next preceding this day. 3. That I have resided thirty days in this county next preceding this day. 4. That I have actually resided thirty days in this ward next preceding this day, or within thirty days next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such

removal. 5. That I am eighteen years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is 10 I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is; the name of my employer is 12. My residence is (if in a city or town, give street number). 13. During the last thirty days I have resided at 14. That and have personal knowledge of my residence in the State of Alabama for thirty days in this county for thirty days and in this ward for thirty days next preceding this day. 15. This affidavit has been read to me. So help me God.

.....Signature.

"Subscribed and sworn to before me this day of, 19.....

The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of I, ..., do solemnly swear (or affirm) that I have known (here insert the name of the person offering to vote) for the last thirty days next preceding this election, and that he has been a resident of this state for said time, thirty days in this county, and he has actually resided in this ward for the last thirty days preceding this election, and within thirty days next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for thirty days next preceding this election; that my occupation is; my residence is; my business address is

.....Signature.

"Subscribed and sworn to before me this day of, 19.....

"After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

"Should a person be challenged after he has received a

ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors."

Section 13. Section 24 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 24. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

"Electors shall not be entitled to vote for any person whose name does not appear on the ballot, and no elector shall write in the name of any person on a ballot.

Section 14. Section 30 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 30. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and a second assistant clerk; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials.

"The inspector shall be in general charge of the poll, shall see that the counter compartments of the machine are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 32(a) of this Act, and all other records required by law, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

"The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

"The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

"The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured."

Section 15. Section 32 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) as amended by Act 2229 of the Regular Session of the Legislature of 1971 (Acts of Alabama 1971, p. 3586), is further amended to read as follows:

"Section 32. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he is blind or that he cannot read the names on the voting machines, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon the voter may request assistance of two (2) inspectors of his choice or some other person of his own choice, and he shall be assisted by the two election officials of his choice or by such other person, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters the voter's name; the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election officials or such other person furnishing the assistance. Further, should an illiterate voter desire the assistance of a federal observer in casting his ballot the election officials shall permit such federal observer to assist such illiterate voter in casting his ballot. But if any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, or other person of his choice, who shall give him such instructions, but no official, or other person, giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote. Neither a candidate nor a poll watcher shall assist a voter hereunder. (b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself

to see how any voter votes other than in the course of assisting a voter as provided herein."

Section 16. Section 38 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 38. Any qualified elector of a city or town shall be entitled to cast an absentee ballot under and pursuant to the election laws of the State of Alabama in any municipal election; and, the provisions of Act No. 1147, H. 113, Regular Session of the Legislature, 1975, which act was approved October 10, 1975, shall be applicable to the casting and handling of absentee ballots in municipal elections; and, provided further, that any amendments, extensions or deletions from said act, in the future, shall likewise be applicable to municipal elections. The register, or the person authorized to act in his stead; the town clerk, city clerk, or other officer performing the duties of the clerk, as the case may be, shall have and perform the duties required by the aforesaid act. All other laws of this state regulating and providing for voting of an absentee ballot shall apply to the elections held under this act."

Section 17. Section 39 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 39. The register, or the person authorized to act in his stead; the town clerk, city clerk, or other officer performing the duties of the clerk, as the case may be, in municipal elections held under the provisions of this act, shall comply with the provisions of Act No. 1147, H. 113, Regular Session of the Legislature, 1975, approved October 10, 1975, with respect to marking, enrolling, posting and delivering of lists showing the names and addresses of applicants for an absentee ballot."

Section 18. Section 40 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 40. Any mayor or other chief executive officer of a municipality who wilfully fails to give notice of any municipal election as required in this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars ($500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not regis-

tered, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars ($100).

"Any mayor or other chief executive officer of a municipality or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars ($100) unless otherwise provided in this Act."

Section 19. Section 48 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 48. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any qualified elector at any municipal election who takes or receives any money or other valuable things, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election, or having voted at such election votes a second time, whether in the same ward or another, shall, on conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any absentee voter who shall wilfully make or subscribe

to an oath falsely, in order to qualify himself to vote at a municipal election shall, upon conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely, shall, upon conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

"Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1000), and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months."

Section 20. Section 49 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 49. Any person who shall wilfully fail or refuse to perform or discharge any duty relating to absent voters required of him by this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars ($100).

"Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or unduly influences, or attempts to unduly influence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person, who during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electrs to prepare their ballots, or any card printed for the instruction of electors ,must, on conviction, be fined not less than ten dollars ($10) nor more than five hundred dollars ($500).

"Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100).

"Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and may also be sentenced to hard labor for the county for not more than six months.

"Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and may also be imprisoned in the county jail for not less than thirty days nor more than six months.

"Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100); but this shall not apply on the trial of any contested elections.

"Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two hundred dollars ($200).

"Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1000), and may also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

"Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall, on conviction, be punished by hard labor for the county for not more than twelve months or by a fine of not less than five hundred dollars ($500) nor more than two thousand dollars ($2000), or by being both fined and sentenced to hard labor.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 362 S. 201—Bank, Torbert, Powell, St. John, S. McDonald, McMillan and Fine

AN ACT

To amend Section 7(3), H. 300, Act No. 513, Alabama Acts, Regular Session, 1975 to provide that the Joint Underwriting Association need not be the exclusive agency through which medical liability insurance may be written on a primary basis in this state for physicians.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 7(3), H. 300, Act No. 513, Alabama Acts, Regular Session, 1975, be and the same is hereby amended to read as follows:

(3) The association shall not commence underwriting operations for physicians until the Alabama Insurance Commissioner, hereinafter called Commissioner, after due hearing and investigation, has determined that medical liability insurance cannot be made available for physicians in the voluntary market. Upon such determination the association shall be an agency through which medical liability insurance may be written in

this state on a primary basis for physicians. The association may also issue premises liability insurance to physicians, but need not be the exclusive agency through which either medical liability or premises liability insurance may be issued.

The association shall not commence underwriting operations for hospitals until the Commissioner, after due hearing and investigation, has determined the medical liability insurance is not readily available for hospitals in the voluntary market. Upon such determination the association shall be authorized to issue policies of medical liability insurance and premises liability insurance to physicians, but need not be the exclusive agency through which such insurance may be written on a primary basis in this state.

The association shall no commence underwriting operations for other licensed health care providers until the Commissioner, after due hearing and investigation, has determined that medical liability insurance cannot be made available for a specific type of licensed health care provider in the voluntary market. Upon such determination the association shall be the exclusive agency through which medical liability insurance may be written in this state on a primary basis for such specific type of health provider.

If the Commissioner determines at any time that medical liability insurance can be made available in the voluntary market for either (i) physicians, (ii) hospitals, or (iii) any specific type of other licensed health care provider, the association shall thereby cease its underwriting operations for such medical liability insurance which he has determined can be made available in the voluntary market.

Section 2. Repeal—All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 3. Severability—The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

Section 4. Effective date—This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18th, 1976.

Time: 6:30 P.M.

Act No. 363 S. 222—Mims

AN ACT

Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 385 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 226, Legislature of 1953 (Acts of 1953, p. 292) is hereby further amended to read:

"Section 385. Permit required; application; fee.—No such dealer as hereinabove defined, except as hereinafter provided, shall engage in any business described in the preceding section without a permit therefor. Every dealer shall annually, on or before the first day of October, file an application with the commissioner for a permit to engage in such business. Such application shall be made upon forms to be furnished by the department of agriculture and industries, and shall contain such information as may be required. The fee for every such permit, except as hereinafter provided, shall be $10.00 which shall be paid to the commissioner and deposited in the state treasury to the credit of the agricultural fund. If such permit fee is not paid within forty-five (45) days from the date on which the fee is done, a delinquent penalty of 15% shall be added. Every dealer who engages in the business of transporting or hauling for hire cattle, sheep, goats, or hogs along any public road or highway of Alabama for resale, to market or for slaughter, shall pay an annual permit fee of $10.00 for each vehicle used in hauling or transporting such livestock and the commissioner, under rules and regulations promulgated by the state board of agriculture and industries shall issue a suitable permit plate for proper identification of each vehicle used by dealers in hauling or transporting livestock for resale, to market or for slaughter. Any dealer as hereinabove defined who procures a license as a "dealer" pursuant to the requirements of the "Alabama Livestock Dealers Financial Responsibility Act" of 1969, Act No. 568, Legislature of 1969 (Acts of 1969, p. 1049) and who otherwise complies with the provisions of said Act shall not be required to obtain the annual permit nor pay the fee therefor as required hereunder, but every such dealer shall comply with the other provisions and requirements of this subdivision. Provided, however, any dealer who is required to procure a license by the "Alabama Livestock Dealers Finan-

cial Responsibility Act" of 1969 who also engages in the business of transporting or hauling for hire cattle, sheep, goats or hogs along any public road or highway in Alabama shall also be required to procure a permit and pay the fee therefor as required hereunder."

Section 2. Section 386 of Title 2 of the Code of Alabama of 1940 is hereby amended to read as follows:

"Section 386. Bill of sale required.—All such dealers shall be required to obtain from the owner or seller on purchase of any cattle, sheep, hogs or goats, a bill of sale therefor, upon such forms as may be prescribed by the commissioner of agriculture and industries and shall on purchase leave with such owner or seller a copy or duplicate of such bill of sale. Dealers engaged in the business of transporting or hauling for hire cattle, sheep, goats, or hogs along any public road or highway shall issue a waybill or bill of lading for all livestock hauled or transported by them containing such information as may be required by rules and regulations approved by the State Board of Agriculture and Industries. It shall be unlawful for any dealer, his agent or employee to drive, haul, or otherwise transport any such livestock along or upon any public road or highway in Alabama unless such dealer or his agent or employee shall have in his possession accompanying such hauling or shipment or transportation, the original or a duplicate copy of the bill of sale or bill of lading as herein required for any such livestock so being driven, hauled or transported, and the dealer or his agent or employee or other person in charge of such livestock shall on demand exhibit said accompanying bill of sale or bill of lading to any sheriff, deputy or other officer of the law."

Section 3. Section 387 of Title 2 of the Code of Alabama of 1940 is hereby expressly repealed.

Section 4. This Act shall become effective on October 1, 1976.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 364 S. 224—Mims

AN ACT

Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969

(Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of $25.00; to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 568, S. 201, Legislature of 1969, known as the "Alabama Livestock Dealers Financial Responsibility Act" (Acts of 1969, Vol. II, p. 1049) is hereby amended so as to read as follows:

"Section 3. No person shall engage in the business of a dealer as hereinabove defined without having a license therefor, issued by the Commissioner of Agriculture and Industries, which license shall expire on December 31, and shall be renewable as of January 1 of each year. An application for a license or annual renewal of a license as required hereunder shall be filed with the Commissioner upon a form furnished for this purpose accompanied by a fee of Twenty-five Dollars ($25.00) payable before issuance of such license. Such application shall state the full name and address of the person applying for the license, the name of each member of the firm, or all officers, if a corporation or association, together with the location of applicant's business operation and the general territory or area in which applicant intends to buy livestock and it shall also contain any other information deemed necessary by the Commissioner for the administration of this Act. License fees collected hereunder shall be deposited in the State Treasury to the credit of the Agricultural Fund. Upon receipt of said application with the payment of the license fee and the furnishing of a bond as hereinafter provided, a license shall be issued entitling the applicant to engage in the business of a dealer as hereinabove defined; provided, however, that a license shall be denied or revoked when the Commissioner finds that the applicant has failed to comply with any of the provisions of this Act or that the applicant or licensee has failed to pay for livestock purchased or has given in payment for livestock purchased a check or draft which has been returned unpaid or dishonored without reasonable cause, is or has become involved in any legal proceeding which may impair his ability to meet his financial obligations, has suffered a money judgment to be entered against him upon which execution has been returned unsatisfied or has been guilty of fraud in applying for or obtaining a license or a renewal thereof as required by this Act. Any person denied a license or any dealer whose license has been revoked by the Commissioner may appeal such action of the Commissioner to the Board by filing a written request therefor with the board within ten (10) days after notice of denial or revocation of a license has been received and such

appeal shall be heard by the Board within thirty (30) days following the date on which such appeal is filed. The filing of an appeal shall not suspend the action of the Commissioner in the revocation or denial of a license. The action of the Board in refusing to grant, or in revoking any license may be reviewed by the Circuit Court of Montgomery County, Alabama, upon a petition being filed in said Circuit Court, in equity, accompanied by a bond to be approved by the register, within fifteen (15) days after notice to the applicant or licensee of the Board's decision. Such petition shall be styled in the name of applicant or licensee as complainant against the Commissioner, as respondent, and shall set forth the action complained of and pray its reversal. It shall be the duty of the Commissioner to enter his appearance within twenty (20) days after said petition is served upon him. The cause shall be heard de novo by the court and it shall be determined from the evidence whether the denial or revocation of the license is, or is not, justified under the provisions of this Act, and decision shall be accordingly rendered, subject to the right of appeal, which shall lie as in other civil cases, which decision shall be binding upon the parties. All appeal rights provided herein shall not suspend the action of the Commissioner in the revocation or denial of a license."

Section 2. This Act shall become effective on January 1, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 365 S. 238—Adams

AN ACT

To authorize, permit and regulate certain activities on Sunday in each county in the State which has a population of not less than 56,500 nor more than 59,000, according to the 1970 or any subsequent federal decennial census; and to require a special license of certain businesses which operate on Sunday as authorized by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) This act shall apply only in all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census.

(b) The Legislature hereby finds and declares that: The maintenance of the public health is of vital importance to the

general welfare of the State and its people; for the protection of the public health and general welfare it is deemed essential that one day be set aside each week as a day of rest and relaxation in counties to which this Act applies; this can best be accomplished and the enforcement thereof can best be policed by setting aside Sunday which is generally recognized and observed as a day of rest. Section 420, Title 14, Code of Alabama, 1940, as amended, has made unlawful the general performance of labor and other activities on Sunday and has provided penalties for the violation thereof subject to certain enumerated exceptions which are deemed by the Legislature to be reasonable and necessary. The Legislature further finds and declares that in order to enjoy such a day of rest and relaxation that the public should be given the right as additional exceptions to said Section 420 to play golf on Sunday and to purchase on Sunday goods usually and normally sold in grocery stores subject to reasonable restrictions on the number of employees that may be employed in such stores selling such goods on Sunday. It is further the finding of the Legislature that a reasonable restriction on the number of employees would be to permit to remain open on Sunday for the sale of such goods only those stores that have no more than four employees on duty at any one time on Sunday. The Legislature further finds that there is a public necessity for the purchase on Sunday of merchandise usually and normally sold in grocery stores and that this necessity must be met but that reasonable restrictions as set out above should be placed thereon.

Section 2. The playing of golf on Sunday and the operation of golf courses on Sunday shall be lawful in any county in which this act applies.

Section 3. It shall be lawful for any grocery store to remain open on Sunday in each county in the State in which this act applies provided that such grocery store does not have on duty in such store more than four employees at any one time on Sunday; and that each such grocery store shall first obtain a special license to operate on Sunday from the license issuing officer of such county. The license issuing officer of such county shall issue a license only to such individual grocery stores or outlets as shall pay a license fee of $25 and only to such individual grocery stores or outlets in each community as are determined to be required by the public convenience and necessity. All license fees shall be paid into the general fund of such county.

Section 4. All laws or parts of laws, general or local, in conflict herewith are hereby repealed.

Section 5. If any clause, provision or section of this act

shall be held invalid and unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other clause, provisions or section thereof.

Section 6. This Act shall become effective November 15, 1976.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 366 S. 257—Baker

AN ACT

To provide for the publication of a list of qualified electors in DeKalb County; to prescribe procedure for the payment of expenses incurred in the publication of such list and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of DeKalb County shall cause to be published, as required by law, a list of the qualified electors in said county.

Section 2. The actual expenses incurred through the printing and copying of such list shall be paid by the county commission or other like governing body of said county from the county general fund and any state funds earmarked to cover such expenses shall be deposited to the credit of the DeKalb County General Fund.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective on January 1, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 367 S. 258—Baker

AN ACT

To alter and rearrange the boundaries of the Town of Ider, DeKalb County, Alabama, so as to include within the corporate limits thereof,

upon approval by referendum election, the territory hereinafter described; and to provide for the conduct of the election.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Ider, DeKalb County, Alabama, shall, upon approval by referendum election as hereinafter provided, be altered and rearranged so as to include the following described territory lying in DeKalb County, Alabama, to-wit:

Southeast Fourth of the Southeast Fourth, Southwest Fourth of the Northwest Fourth, Northwest Fourth of the Southwest Fourth, Southwest Fourth of Southwest Fourth and Southeast Fourth of the Southwest Fourth of Section 1; and

Southeast Fourth of the Northeast Fourth, Northeast Fourth of the Southeast Fourth and Southeast Fourth of the Southeast Fourth of Section 3; and

Southwest Fourth of the Northeast Fourth, Northwest Fourth of the Southeast Fourth, Southwest Fourth of the Southeast Fourth and Southeast Fourth of the Southeast Fourth of Section 10; and

All of Section 11; and

Southwest Fourth of the Southwest Fourth, Northwest Fourth of the Southwest Fourth, Northwest Fourth of the Northeast Fourth and Northeast Fourth of the Northeast Fourth of Section 12; and

Northeast Fourth of the Northwest Fourth, Southwest Fourth of the Northeast Fourth, and Northwest Fourth of the Northeast Fourth of Section 14; and

Northeast Fourth of the Northeast Fourth, Northwest Fourth of the Northeast Fourth, Southwest Fourth of the Northeast Fourth, Northwest Fourth of the Southeast Fourth, Northeast Fourth of the Southwest Fourth, Southeast Fourth of the Northwest Fourth and Northeast Fourth of the Northwest Fourth of Section 15; and

Northeast Fourth of the Northwest Fourth of Section 23.

All in Township 4 South of Range 9 East.

Section 2. Within 10 days after the enactment of this Act, the governing body of the Town of Ider must make and enter an order upon the minutes of said body, directing and ordering an election to be held by the qualified electors residing within the territory hereinabove described, not less than twenty nor more than forty days from the date of such order. The said governing body shall give notice of the holding of

such election by posting notices at three public places within the corporate limits of Ider as proposed herein. Such notice must state the day on which the election is to be held, the voting place (which shall be the Ider Town Hall), and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on display in the town hall, open to the inspection of the public. The mayor shall appoint three inspectors of election, who shall manage the election, two clerks, and a returning officer. The election must be conducted in all respects as provided by the general election laws, and under the same sanctions and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided.

Section 3. Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the town for three months next preceding the election may vote at such election. The town clerk shall prepare a list of voters qualified to vote at the election under this section. Such list shall serve as the official poll list and shall be supplied to the officers of election appointed under the provisions of Section 2 hereof. An elector whose name does not appear on the list may vote upon submission to an election inspector of a signed oath stating that such elector has resided within the territory proposed to be annexed for three months next preceding the election.

Each voter may furnish his own ballot, with the following words written or printed thereon: "For Annexation" if he desires to vote in favor of annexing the territory to the town, or "against annexation" if he desires to vote against annexing the territory to the town. It shall not be necessary for the ballot to be of any particular size, form, or color.

Section 4. The inspectors at the polling place must, as soon as the polls are closed, ascertain and certify the results of the election to the mayor and deliver the certification of results to the returning officer, who must at once return the same to the mayor, and if it appears that a majority of the votes cast at the election were "for annexation," the mayor shall certify such result to the Judge of Probate of DeKalb County, and the Judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the town to be extended so as to embrace the territory hereinabove described, and from the time of entry of such order such territory shall be a part of and within the corporate limits of the town. If it appears that a majority of the votes cast at the election are "against annexation," the mayor shall certify such result to the Judge of Probate of DeKalb County and the Judge shall make and enter an order on the records of the

court adjudging and decreeing that the territory hereinabove described shall not form a part of or be embraced within the Town of Ider by operation of this Act.

Section 5. The result of the election may be contested by any qualified voter voting at the election under the general laws which govern contests of elections to alter municipal boundaries. All costs and expenses incident to the election shall be paid by the Town of Ider.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 368 S. 262—Baker

AN ACT

To amend the title, Section 1 and Section 2 of Act No. 906, H. 1867, 1975 Regular Session (Acts of 1975), which provides that the DeKalb County Commission may levy a severance tax on coal in said county, so as to provide that the State Department of Revenue shall collect all severance taxes on coal levied by DeKalb County, promulgate rules and regulations pursuant to the collection of such taxes, and recover the costs of collection of such taxes, out of the proceeds of such collections; to provide that the first $250,000 of such tax money that the county receives be designated for the county general fund and the remainder to go to the DeKalb County Road and Bridge Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 906, H. 1867, 1975 Regular Session (Acts of 1975), is hereby amended as follows:

"An Act, Relating to DeKalb County; to provide that the DeKalb County Commission may levy a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that the State Department of Revenue shall collect all severance taxes on coal levied by the DeKalb County Commission; to provide that the State Department of Revenue shall promulgate rules and regulations pursuant to the collection of such taxes and shall recover the costs of collection of such taxes out of the proceeds of such collections; to provide that such tax shall be in addition to any state severance tax on coal and that the first $250,000 of such tax money shall be deposited in the general fund of said county to be expended at the discretion of said county commission and the remainder shall be designated for the DeKalb County Road and Bridge Fund."

Section 2. Section 1 of Act No. 906, H. 1867, 1975 Regular session (Acts of 1975), is hereby amended as follows:

"Section 1. The DeKalb County Commission may levy from each producer of coal in DeKalb County, a privilege or license tax to be known as a "severance tax." The rate of said tax shall be established by said county commission. The State Department of Revenue is hereby authorized and directed to collect all severance taxes levied upon coal production in DeKalb County.

"The State Department of Revenue is hereby further authorized to recover all costs of collecting such severance taxes from the proceeds of such taxes collected, and said Department is additionally authorized to promulgate such rules and regulations as are necessary to facilitate the collection of said severance taxes in DeKalb County."

Section 3. Section 2 of Act No. 906, H. 1867, 1975 Regular Session (Acts of 1975), is hereby amended as follows:

"Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal and the first $250,000 shall be deposited in the general fund of said county to be expended at the discretion of said county commission. The remainder shall be designated for the DeKalb County Road and Bridge Fund."

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 369 S. 283—Little

AN ACT

Relating to all counties having populations of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census; providing that associations or corporations organized for the purpose of operating water works for unincorporated areas in such counties under Title 10, Section 168 of

the Code of Alabama, as amended, relating to single tax or co-operative associations, shall be further exempt from any state or county license tax on gross receipts, and no license or excise tax may be imposed on any such authority organized for such purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 17,000 nor more than 20,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Associations or corporations organized for the purpose of operating waterworks for unincorporated areas in such counties under Title 10, Section 168 of the Code of Alabama, as amended, relating to single tax or cooperative associations, shall be further exempt from any state or county license tax on gross receipts, and no license or excise tax may be imposed on any such authority organized for such purposes.

Section 3. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration will not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 370 S. 279—Mitchell

AN ACT

To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies, and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers, and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought

against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 373 of Act No. 407, H 198, Legislature of Alabama 1971, approved August 25, 1971, is hereby amended to read as follows:

"§373. STANDARD NONFORFEITURE LAW.—LIFE INSURANCE (1) This Section shall be known as the standard nonforfeiture law.

(2) Nonforfeiture Provisions—Life.—In the case of policies issued on or after the operative date of this section as defined in subsection (12) of this section, no policy of life insurance, except as set forth in subsection (11) of this section, shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance, and five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not later than sixty days after the due date of the premium in default.

(d) That if the policy shall have become paid-up by completion of all premium payments, or if it is continued under any paid-up nonforfeiture benefit which became effective on or after the third policy anniversary in the case of ordinary insurance, or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefits, if any, available under the policy on each policy anniversary, either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance laws of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

(3) Any of the provisions or portions thereof set forth in subdivisions (a) through (f) of the foregoing subsection (2) which are not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy. The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(4) Cash Surrender Value—Life.—Any cash surrender value available under the policy in the event of default in the premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value on such anniversary of the future guaranteed benefits which would have been provided for by the policy, including any existing paid-up additions if there had been no default, over the sum of:

(a) The then present value of the adjusted premium as defined in subsections (6), (7), (8), and (9) of this section, corresponding to premiums which would have fallen due on and after such anniversary, and

(b) The amount of any indebtedness to the insurer on account of or secured by the policy.

Any cash surrender value available within thirty (30) days after any policy anniversary under any policy paid up by completion of all premium payments, or any policy continued under any paid-up nonforfeiture benefits, whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy, including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(5) Paid-up Nonforfeiture Benefits—Life.—Any paid-up nonforfeiture benefit available under the policy in the event of default in the premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy, or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(6) The Adjusted Premium—Life.—Except as provided in subsection (8) the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of:

(a) The then present value of the future guaranteed benefits provided for by the policy;

(b) Two percent (2%) of the amount of the insurance if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with the duration of the policy;

(c) Forty percent (40%) of the adjusted premium for the first policy year;

(d) Twenty-five percent (25%) of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance,

whichever is less. Provided, however, that in applying the percentages specified in subdivisions (c) and (d) above, no adjusted premiums shall be deemed to exceed four percent (4%) of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purposes of the changed policy. The date of issue of a policy for the purpose of this subsection shall be the date as of which the rated age of the insured is determined.

(7) In the case of a policy providing an amount of insurance varying with the duration of the policy, the equivalent uniform amount thereof for the purpose of the preceding subsection (6) shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy for a varying amount of insurance issued on the life of a child under age ten (10), the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten (10).

(8) The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (a) the adjusted premiums for an otherwise similar policy issued at the same age without such insurance benefits increased, during the period for which premiums for such term insurance benefits are payable, by (b) the adjusted premiums for such term insurance, the foregoing items (a) and (b) being calculated separately and as specified in subsections (6) and (7) above.

(9) All adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the commissioners 1958 standard ordinary mortality table, provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three (3) years younger than the actual age of the insured. Such calculation for all policies of industrial insurance shall be made on the basis of the commissioners 1961 standard industrial mortality table. All calculations shall be made on the

basis of the rate of interest specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits provided that such rate of interest shall not exceed three and one-half percent (3½%) per annum except that a rate of interest not exceeding four percent (4%) per annum may be used for policies issued on or after the effective date of this amendatory act of 1976, and provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed in the case of ordinary policies, may not be more than those shown in the commissioners 1958 extended term insurance table, and in the case of industrial policies, may not be more than those shown in the commissioners 1961 industrial extended term insurance table; provided further that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the Commissioner.

(10) Calculation of Values—Life.—Any cash surrender value and any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (4), (5), (6), (7), (8) and (9) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (4) of this section, additional benefits payable:

(a) In the event of death or dismemberment by accident or accidental means,

(b) In the event of total and permanent disability,

(c) As reversionary annuity or deferred reversionary annuity benefits,

(d) As term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section would not apply,

(e) As term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six (26), is uniform in amount after the child's

age is one (1), and has not become paid-up by reason of the death of a parent of the child, and

(f) As other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(11) Exceptions.—This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof of fifteen (15) years or less expiring before age 66, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (6), (7), (8) and (9) of this section, is less than the adjusted premium so calculated on such fifteen (15) year term policy issued at the same age and for the same initial amount of insurance. This section shall not apply to benefits provided in the form of funeral or monument merchandise and services under burial policies except to the extent provided in section 404 of this Code.

(12) Operative Date.—Insurers complying with the provisions of this section prior to the effective date of this Code may continue such compliance without the filing of any notice with the commissioner. After the effective date of this Code, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1972. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer) this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be January 1, 1972."

Section 2. Section 744 of said Act No. 407, H. 198, of the Legislature of Alabama of 1971, approved August 25, 1971 is hereby amended to read as follows:

"§744. STANDARD VALUATION LAW; LIFE INSURANCE—(1) This section shall be known as the Standard Valuation Law.

(2) Annual Valuation.—The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, and may certify the amount of any

such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In the case of an alien insurer, such valuation shall be limited to its insurance transactions in the United States. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept in his discretion the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made or caused to be made by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided, and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction. Where any such valuation is made by the commissioner, he may use the actuary of the department or employ an actuary for the purpose, and the reasonable compensation and expenses of the actuary, at a rate approved by the commissioner, upon demand by the commissioner supported by an itemized statement of such compensation and expenses, shall be paid by the insurer. When a domestic insurer furnishes the commissioner with a valuation of its outstanding policies as computed by its own actuary or by an actuary deemed satisfactory for the purpose by the commissioner, the valuation shall be verified by the actuary of the department without cost to the insurer.

(3) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of Section 373 of this Code (standard nonforfeiture law) shall be as required under laws in effect immediately prior to the effective date of this Act, or the minimum provided in subsection (4) of this section if less.

(4) (A) Except as otherwise provided in subdivision (B) of this subsection, the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of Section 373 (standard nonforfeiture law) shall be the commissioners reserve valuation method defined in subsection (5) of this section, three-and-one-half percent (3½%) interest, or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after the effective date of this amendatory act of 1976, four percent (4%) interest, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioners 1958 standard ordinary mortality table; except, that for any category of such policies issued on female risks modified net premiums and present values, referred to in subsection (5), may be calculated, according to an age not more than three (3) years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies, the commissioners 1961 standard industrial mortality table.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the 1937 standard annuity mortality table, or, at the option of the insurer, the annuity table for 1949, ultimate, or any modification of either of these tables approved by the commissioner.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies, the group annuity mortality table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts, for policies or contracts issued on or after the operative date of Section 373, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued prior to the operative date of Section 373, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserve for life insurance policies.

(f) For accidental death benefits in or supplementary to policies, for policies issued on or after the operative date of Section 373, the 1959 accidental death benefits table; for policies issued prior to the operative date of Section 373, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the

sub-standard basis and other special benefits, such tables as may be approved by the commissioner as being sufficient with relation to the benefits provided by such policies.

(B) The minimum standards for the valuation of all individual annuity and pure endowment contracts issued on or after the operative date of this subdivision (B), as defined herein, and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation method defined in subsection (5) of this section and the following tables and interest rates:

(a) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 individual annuity mortality table, or any modification of this table approved by the commissioner, and six percent (6%) interest for single premium immediate annuity contracts, and four percent (4%) interest for all other individual annuity and pure endowment contracts.

(b) For all annuities and pure endowments purchased under group annuity and pure endowment contracts, excluding and disability and accidental death benefits purchased under such contracts, the 1971 group annuity mortality table, or any modification of this table approved by the commissioner, and six percent (6%) interest.

After the effective date of this amendatory act of 1976, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subdivision (B) after a specified date before January 1, 1980 which shall be the operative date of this subdivision for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subdivision for such insurer shall be January 1, 1980.

(5) Commissioners Reserve Valuation Method.

(a) Reserves according to the commissioners reserve valuation method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums, shall be the excess, if any, of the present value, at the date of valuation, or such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard

policy) that the present value at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (i) over (ii) as follows:

(i) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one (1) year higher than the age at issue of such policy.

(ii) A net one-year term premium for such benefits provided for in the first policy year.

(b) Reserves according to the commissioners reserve valuation method for:

(i) Life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums,

(ii) Annuity and pure endowment contracts,

(iii) Disability and accidental death benefits in all policies and contracts, and

(iv) All other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of subsection (5) (a) of this section.

(6) Minimum Aggregate Reserves. — In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of Section 373, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (5) of this section and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(7) Optional Reserve Basis. — (a) Reserves for all policies and contracts issued prior to the operative date of Section 373 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

(b) For any category of policies, contracts or benefits specified in subsection (4) of this section, issued on or after the operative date of Section 373 (the standard nonforfeiture law),

reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein, provided, however, that reserves for participating life insurance policies issued on or after the operative date of Section 373 (the standard nonforfeiture law) may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half (½) of one percent (1%), the insurer issuing such policy shall file with the commissioner a plan providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

(8) Lower Valuations. — An insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with written notice thereof to the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(9) Deficiency Reserves. — If the gross premium charged by any life insurer on any policy or contract issued on or after the operative date of Section 373 is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standards, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 371 S. 359—Baker

AN ACT

RELATING TO THE CITY OF RAINSVILLE, DEKALB COUNTY, ALABAMA SO AS TO EARMARK ONE-HALF OF ONE CENT (½c) OF THE EXISTING CITY SALES TAX AND USE TAX TO BE PAID TO THE RAINSVILLE CIVIC CENTER AND COLISEUM AUTHORITY, INC. FOR THE PURPOSE OF CONSTRUCTING A CIVIC CENTER AND COLISEUM AND TO PROVIDE THAT ANY EXCESS OVER THE AMOUNT NEEDED TO AMORTIZE THE CONSTRUCTION LOAN OR BONDS MAY BE USED FOR OPERATION AND MAINTENANCE OF THE CIVIC CENTER AND COLISEUM AND TO PROVIDE FOR THE LENGTH OF TIME OF THE EARMARKING AND TO PROVIDE THAT THE TREASURER OR PERSONS AUTHORIZED TO DRAW WARRANTS OR CHECKS ON SAID FUNDS SHALL BE BONDED.

Be It Enacted by the Legislature of Alabama:

Section 1. One-half of one cent (½¢) of the existing city sales tax and use tax in the City of Rainsville, DeKalb County, Alabama, is hereby earmarked and directed to be used exclusively for the Rainsville Civic Center and Coliseum Authority, Inc., a municipal corporation, for the purpose of constructing a civic center and coliseum on land to be owned by said authority. Immediately upon receipt of said funds from the State Department of Revenue the City of Rainsville shall pay said funds to the Rainsville Civic Center and Coliseum Authority, Inc., a municipal corporation, authorized by said city to be incorporated. Said funds shall be used exclusively for construction of a civic center or coliseum or for retirement of a loan or bonds incurred for such purpose to the extent necessary for the construction or debt retirement. In the event excess funds are available after construction or above the amount of the loan or bond payments, such excess may be used for operation and maintenance of the civic center or coliseum.

Section 2. The treasurer or other officer of the Rainsville Civic Center and Coliseum Authority, Inc., who are authorized to draw checks or warrants on said funds are hereby required to make bond, to be approved by the mayor and council in an amount sufficient to cover the maximum amount of funds expected to be in the possession of the authority at any one time. The Rainsville Civic Center and Coliseum Authority, Inc., shall cause an annual audit of its finances to be made, which audit shall be presented to the mayor and council.

Section 3. The earmarking of these funds and provisions of this Act shall continue for so long as there are outstanding loans or bonds for which these funds are pledged as security, but shall in no event continue longer than 40 years.

Section 4. Each paragraph and part of this Act shall be

severable and in the event any part or portion hereof is declared invalid or unconstitutional, then the remainder shall not be affected.

Section 5. This Act shall become effective immediately after its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 372 S. 362—St. John, Jones, Torbert, McDonald (A), McDonald (S), King, Little, Stewart

AN ACT

To require every municipality in the state to provide a civil service merit system governing its law enforcement officers or to enter into an agreement for participation in the state merit system.

Be It Enacted by the Legislature of Alabama:

Section 1. In recognition of the inefficiencies, inadequacies, and inconsistencies in law enforcement programs and practices of many municipalities of this state, and in recognition of the need for fair and impartial enforcement of the laws, for the protection of the person and property of the people of this state and for the promotion of the public health and welfare, this law is enacted to assure that every municipality in this state shall be provided an acceptable civil service merit system governing the appointment, removal, tenure and official conduct of its law enforcement officers.

Section 2. As used in this act, the following words and terms shall, unless the context requires a different interpretation, have the meanings hereby respectively ascribed to them: "Law enforcement officer" shall mean and include a policeman, policewoman, and other official who has authority to make arrests, and who are employed by any municipality in the state as a permanent and regular employee for and subject to law enforcement duties but it does not include any person elected by popular vote.

Section 3. Every municipality shall establish separately or jointly, a civil service merit system governing the appointment, removal, tenure and official conduct of municipal law enforcement officers.

Section 4. Any municipality failing to establish such a civil service merit system for said law enforcement officers

within one (1) year after the effective date of this Act, shall, subject to approval of the state personnel board, enter into an agreement with the state director of personnel to furnish the services and facilities of the state personnel department to such municipality in the administration of its law enforcement officers on merit principals. Any such municipality of the state is hereby authorized to enter into such agreements.

Section 5. Each law enforcement officer in the civil service of any municipality at the time such municipality enters into such an agreement with the state director of personnel under the provisions of this Act shall upon the effective date of such agreement to be classified to the nearest classification of their present work assignment, and shall thereafter be governed by the state merit system rules and regulations, the same as any other law enforcement officer in the service of the state.

Section 6. Every such agreement with the state director of personnel to furnish services and facilities of the state personnel department to such municipalities shall provide for the reimbursement to the state of the reasonable cost of the services and facilities furnished as determined by the state director of personnel. Funds obtained as reimbursement for such services shall be deposited into the accounts of the state personnel department and may be expended to help defray the expenses of said department.

Section 7. This act shall not apply to any county or municipality with an established civil service or merit system already in existence at the time this Act becomes law so long as the said civil service or merit system continues in full force and effect.

Section 8. Provided, however, that this Act shall not apply to any municipality of a population of less than 5,000 according to the most recent federal decennial census.

Section 9. The salaries to be paid in each classification established by the merit system shall be determined by the governing body of the municipality.

Section 10. The merit system may exempt from its provisions the Chief of Police and the deputy chief.

Section 11. The merit system adopted may provide for a probationary period of employment of up to one year during which time said officer shall not obtain any rights under said system.

Section 12. Each merit system created by this Act shall have the option of having at least one (1) member of its board appointed by the representatives and senators in that district.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 14. All laws or parts of laws which conflict with this Act are repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 373 S. 372—Baker

AN ACT

To alter and rearrange the boundaries of the town of Rainsville, DeKalb County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Rainsville, DeKalb County, Alabama, are hereby altered and rearranged so as to annex and include the following additional described territory lying in DeKalb County, Alabama, to-wit: The East Half of the N.E. ¼th of the N.E. ¼th of Section One Township 7, South Range 7 East. The South Half of the SW ¼ of Section 28, Township 6, South of Range 8 East.

Also:

The NW ¼ of the NW ¼ and the East half of the NW ¼ and a part of the SW ¼ of the NW ¼ which lies North of the county paved road, and the NE ¼, and the NE ¼ of the SE ¼, all in Section 33, Township 6, South of Range 8 East.

Also:

A part of the SW ¼ of the NW ¼ which lies south of Alabama Highway 35, and the North half of the SW ¼ and the SE ¼ of the SW ¼ and the SW ¼ of the SE ¼, all lying in Section 34, Township 6, South of Range 8 East.

Also:

A part of the NE ¼ of the NW ¼ which lies East of Alabama Highway 35; and a part of the NW ¼ of the NE ¼ which lies North and West of the 1200 foot contour line on the brow of Sand Mountain, all of which lies in Section 3, Township 7, South of Range 8 East.

All of the above described property lies in DeKalb County, Alabama.

Section 2. The outside boundaries of the territory described in Section 1 of this act together within the outside boundaries of the existing corporate limits of the Town of Rainsville, and any previous extension thereof, and all the territory included and embraced with said boundaries and within the boundaries of the existing town limits of the Town of Rainsville shall hereafter be and constitute the Town of Rainsville.

Section 3. All laws and parts of laws, both general and special and local in conflict with this act shall be, and the same are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 374 S. 408—Stewart

AN ACT

Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. If a defendant in a criminal case pending in a court of competent jurisdiction shall enter a written plea of not guilty at any time prior to the day of his arraignment such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or at which he is represented by an attorney.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 375 S. 465—Little

AN ACT

Relating to Randolph County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County the sheriff may execute orders to summons jurors, subpoena witnesses, give notice of appointment of election official, or give notice of tax liens by certified mail, or he may execute such orders or give such notice as otherwise prescribed by law. It shall be the duty of the sheriff of the county to enclose the summons, subpoena or official notice of tax lien or of appointment as an election official in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside the county. In the event said jury summons, subpoena or official notice is returned to the sheriff by the Post Office Department of the United States without delivery the summons, subpoena or official notice shall be by the sheriff returned NOT FOUND. All jury summonses, subpoenas, or official notices not returned to the sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to jury summonses, subpoenas or official notices returnable before the court instanter; such summonses, subpoenas or official notices shall be served only as otherwise provided for by law, notwithstanding this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 376 S. 474—Stewart

AN ACT

Relating to Calhoun County, authorizing the county governing body to contribute available county funds to the Anniston Museum of Natural History.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Calhoun County is hereby authorized to contribute any funds which might be available for such purposes from the county general fund to the Anniston Museum of Natural History.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 377 S. 494—Fine

AN ACT

For the relief of Continental Telephone Company; making an appropriation from the state treasury to compensate such company for telephone service furnished for the district attorney of the Twenty-fourth Judicial Circuit in prior years.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of one thousand eight hundred ninety one dollars and thirty eight cents ($1,891.38) is hereby appropriated out of any funds in the state treasury not otherwise appropriated to Continental Telephone Company to compensate such company for telephone service furnished to the district attorney of the Twenty-fourth Judicial Circuit of Ala-

bama in prior years. Continental Telephone Company provided such telephone service to the office of the district attorney, but the appropriation for prior years was not adequate to pay for such service. This service was received by the district attorney and is a just and moral claim against the State of Alabama for which Continental Telephone Company has no remedy at law to recover the same.

Section 2. The State comptroller is directed to draw a warrant on the state treasury in favor of Continental Telephone Company for the amount appropriated herein.

Section 3. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 378 S. 514—Stewart

AN ACT

Relating to counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to 1970 or any subsequent federal decennial census; to relieve and exempt the Clerk of the county or district court and the tax collector of such counties from personal liability for errors, mistakes and omissions of employees serving under him.

Be It Enacted by the Legislature of Alabama:

Section 1. The Clerk of the county or district court and the tax collector of counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the 1970 or any subsequent federal decennial census shall not be personally liable to penalty, fine or damages arising or caused by the error, mistake or omission of any of his employees, when such error, mistake or omission of any of his employees, is corrected promptly when brought to his attention. Such officers shall, however, continue to be liable for any and all misuse or misappropriations of funds by any such clerks or assistants to the same extent and under the same conditions and penalties that such clerks are liable therefor pursuant to law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 379 S. 549—Clemon

AN ACT

TO EMPOWER THE GOVERNING BODY OF ANY CITY IN THE STATE HAVING A POPULATION OF TWO HUNDRED FIFTY THOUSAND OR MORE TO ESTABLISH A PENSION AND RELIEF OR RETIREMENT AND RELIEF SYSTEM FOR ITS UNCLASSIFIED EMPLOYEES, THE BENEFITS OF WHICH MAY EXTEND TO THE WIDOWS AND CHILDREN OF SUCH EMPLOYEE; AND TO PROVIDE FOR A BOARD OF MANAGERS BY WHICH THE SAME SHALL BE ADMINISTERED.

Be It Enacted by the Legislature of Alabama:

Section 1. Application Of The Act: This Act shall apply to all cities in the State having a population of 250,000, or more, according to the last, or any subsequent, federal decennial census.

Section 2. Definitions: The following words and phrases, including the plural of any thereof, whenever used in this Act shall, in the absence of clear implication hereinotherwise, have the following respective meanings:

"City" means any city in the State having a population of 250,000 or more inhabitants according to the last or any succeeding federal decennial census.

"Employee" means a person between whom and the city there exists the technical relationship of employer and employee, whether such employment be casual or permanent, and whether such person be employed through the Mayor, governing body, or a subsidiary body of such city such as a board; provided, however, that such term shall not include any employee of such city whose employment is governed by the terms of any civil service or personnel statute now or hereafter applicable to the city, or who is covered by any pension and relief or retirement and relief system established by statute; and shall exclude elected officials, recorders, professional, administrative and clerical employees hired by and responsible to the Mayor.

"Employed In Its Unclassified Service" means employment other than as defined in any civil service or personnel statute now or hereafter applicable to such city.

"Governing Body" shall mean the City Council or such other body in which the general legislative powers of the municipality are vested.

"Mayor" means the Mayor or other Chief Executive Officer of such city.

"Participant" means a qualified employee who participates in any system established by the governing body under the provisions of this Act.

"System" means any pension and relief or retirement and relief system established by the governing body under the provisions of this Act.

Section 3. The governing body may, by duly enacted ordinance, establish a pension and relief or retirement and relief system for the city for the benefit of its employees employed in its unclassified service. Any ordinance establishing a system under the provision hereof shall provide the conditions under which the employee of such city shall participate therein; the benefits such system shall provide; and the method in which the same shall be funded. Any such ordinance may include provisions requiring employees to participate in funding the system established thereby by making periodic contributions to the same. Any such ordinance shall also provide for administration of such system by a board of managers as hereinafter defined.

Section 4. Board of Managers: The administration of any system established by the governing body under the provisions hereof shall be under a board of managers having three members, one of which shall be appointed by the Mayor, one of which shall be elected by the participants in the system, and one of which shall be selected by the other two members.

Section 5. Retroactivity: The provisions of this Act are retroactive to December 1, 1975, and any system established by the governing body hereunder may be retroactive to the same date.

Section 6. Provisions Cumulative: This Act shall not be construed as a restriction or limitation upon any power, right or remedy which any city may otherwise have, and the provisions thereof shall be construed as cumulative.

Section 7. Severability: The provisions of this Act are intended to be severable. If any section, provision or clause shall be held illegal or invalid by any Court of competent jurisdiction, the remaining sections, provisions and clauses hereof shall continue in effect as if such illegal or invalid section, provision or clause had not been included herein.

Section 8. Effective Date: This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall be retroactive as hereinabove provided.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 380 S. 556—Edwards

AN ACT

Relating to Morgan County; to provide for the Morgan County Board of Education, its members, their districts, qualifications, election and removal from office; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Board of Education shall be composed of seven members elected from districts as follows: One member shall be elected from each of the board of education districts hereinafter described and shall be a qualified elector thereof, and shall reside in said district. All members shall be elected by the qualified electors residing in each of said school attendance areas, and no others shall be allowed to vote in such elections.

Section 2. The Morgan County Board of Education districts shall be as follows:

District One, the West Morgan area, shall consist of election precincts 1 and 17.

District Two, the Danville area, shall consist of election precincts 2, 18 and 19.

District Three, the Falkville area, shall consist of election precincts 20 and 21.

District Four, the Eva area, shall consist of election precincts 22, 23, 25 and 10.

District Five, the Priceville area, shall consist of election precincts 5 and 14 and that aera outside the city limits of Hartselle in election precincts 15 and 16.

District Six, the Cotaco area, shall consist of election precincts 6, 7, 12, 13 and 24.

District Seven, the Union Hill area, shall consist of election precincts 8 and 9.

Section 3. Members of the board shall take office at the first regularly scheduled meeting of the board following their election in November. They shall qualify and be removed in the same manner as prescribed in Title 52 of the Laws of Alabama for County Boards of Education.

All members of the board shall be, at the time of their election or appointment, and during their continuance in office, qualified electors of Morgan County and of the district from which they are elected or appointed. The members of the board shall elect a chairman from among themselves, and, after the

1976 general election, any four members of the board shall constitute a qourum for the transaction of its business.

Section 4. (A) Those members of the Morgan County Board of Education serving, on the effective date of this Act, terms which are to expire in November of 1980, shall continue to serve out their terms without regard to districts, but their successors must reside in Districts Four and Seven.

(B) That member of the board serving, on the effective date of this Act, a term which expires in November of 1978, shall continue to serve out his term without regard to districts, but his success must reside in District Three.

(C) Those members of the board who will be elected at the general election in 1976 shall be elected and shall serve out their terms without regard to districts, but their successors must reside in Districts One and Five.

(D) At the first meeting of the board after the 1976 general election, a majority of the members in office shall appoint one additional member who is a resident of District Two and one additional member who is a resident of District Six. Those appointed shall serve until November of 1978. Their successors, who must also be residents of Districts Two and Six respectively, shall be elected at the general election in 1978 and shall serve full six year terms.

Section 5. The provisions of this Act are supplemental. It shall be construed in pari materia with other laws relating to boards of education in general and the Morgan County Board of Education in particular; however, those laws or parts of laws which are in direct conflict or are inconsistent herewith are hereby repealed.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 381 S. 585—Edwards

AN ACT

Relating to Morgan County; providing for the manner of the election of the county superintendent of education and fixing his salary at the same rate and the method of payment in the same manner as he presently is paid.

Be It Enacted by the Legislature of Alabama:

Section 1. The county superintendent of education of Morgan County shall be elected by the qualified electors residing

within the school districts under the jurisdiction of the Morgan County Board of Education in any election of the superintendent of education in Morgan County.

Section 2. The superintendent of education for Morgan County shall receive compensation for his duties at the same rate and in the same manner as now provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 382 S. 591—Owen, Mims, Perloff, Littleton, Fine, Flippo, Clemon

AN ACT

To provide that any circuit clerk who is serving as such clerk on October 1, 1976, and who has served twenty-three years shall be eligible for supernumerary status at any time provided he has paid contributions into the supernumerary fund for the number of years required by the Judicial Implementation Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any circuit clerk who is serving as such clerk on October 1, 1976, and who has served for at least twenty-three years on said date shall be eligible for supernumerary status at any time notwithstanding any provisions of "The Judicial Implementation Act," Act No. 1205, S. 400 of the 1975 Regular Session, (Acts of 1975, Vol. IV, p. 2384); provided, he has paid contributions into the supernumerary fund for the maximum number of years required by said Judicial Implementation Act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act are supplemental and, insofar as feasible, it shall be construed in pari materia

with other laws relative to supernumerary circuit clerks; nevertheless, all laws or parts of laws which specifically conflict herewith are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 383 S. 614—McMillan

AN ACT

To amend the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971 applicable in all counties having a population of 600,000 or more according to the last or any subsequent decennial census and to also amend Section 2 of said Act by defining the term "county prisoner", used in said Section, so that said term means "any prisoner serving a state or county term", and by defining the term "county jail", used in said Section, so that said term means "the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county."

Be It Enacted by the Legislature of Alabama:

Section 1. That the title of Act 206 (House 537) of the Regular Session of the Legislature of Alabama of 1971, be, and the same hereby is, amended so as to read as follows:

AN ACT

To authorize the county governing body of all counties having a population of 600,000 or more according to the last or any subsequent federal decennial census; to provide for the appointment of a County Pardon and Parole Board; to provide that the term "county jail" as used in this Act means the county jail, any county correctional center or any other facility in which prisoners are serving their terms in said county; to provide for the conditional release of any prisoners serving a state or county term in the county jail; to provide for the return to the county jail of any prisoner who violates the condition of his release; and repeal all conflicting laws.

Section 2. That Section 2 of Act 206 of the Regular Session of the Legislature of Alabama of 1971 be, and the same hereby is, amended so as to read as follows:

"Section 2. The County Pardon and Parole Board shall be authorized and empowered by majority vote of said Board to release from the county jail any county prisoners on what-

ever terms or conditions required by said Board. As hereinbefore and hereafter used in this Act, the term "county prisoner" means any prisoner serving a state or county term in the county jail and the term "county jail" means the county jail, a county correctional center, or any other facility in which prisoners are serving their terms in said county. Provided further that the aforesaid authority shall be exercised as to persons serving state terms after an authorizing resolution of the county governing body is promulgated, which resolution may, at any time, be rescinded."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 384 S. 620—Gilmore

AN ACT

To further amend Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et seq.) establishing a retirement system for officers and employees of Jefferson County, as hertofore amended.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby provided that Section 11 of Act No. 497 of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, p. 717, et. seq.), is heretofore amended to read as follows:

"Section 11. Joint Survivorship Pension Option.

"(a) The purpose of this Section 11 is to enable a member to provide for his widow or other dependents by accepting in lieu of the normal pension provided for by Section 10, above, a Joint Survivorship Pension payable so long as the member or his dependent lives. The Joint Survivorship Pension shall be in an amount less than the amount payable under said Section 10. The amount of the monthly income under this option shall depend upon several factors including the age and sex of the member and of the dependent named. By written request of any member filed with the Pension Board within the time specified in the next succeeding sentence, and upon compliance with such further conditions as may be set forth by the Pension Board and as may be applicable to the particular request, any member may elect to receive the joint Survivorship pension in lieu of the pension provided for in Section 10, above. Such

written application shall be filed with the Pension Board at least one year prior to the date of the applicant's actual retirement.

"Following a member's retirement he shall be entitled to receive the pension provided for him in his Joint Survivorship Option. Under the Joint Survivorship Option the monthly payments provided for thereby will be paid to the member, or to the dependent designated by such member, provided his dependent survives after the death of the member; and the payments will terminate with the last monthly payment preceding the second death. Under the Joint Survivorship Option no benefit shall be payable to a dependent of a member in the event the member dies prior to the date on which he become eligible and entitled to retire and receive a pension. It is provided, however, that if a member serves until he becomes eligible and entitled to receive a pension, the pension provided for his dependent under the Joint Survivorship Option shall be payable to the dependent following such member's death, if the dependent survives, irrespective of whether the member retired prior to his death or remained in the service until his death.

"The amount of payments to members and the amount of payments to dependents under the Option shall be such amounts as shall be determined from tables or schedules adopted and published, from time to time, by the Pension Board after the Board has considered the opinions and recommendations of an actuary or actuaries. The amounts paid under said Option shall be the actuarial equivalents of the pension provided for by Section 10.

"(b) Subject to the limitation stated in the sentence next following, subsection (b) of Section 11 of Act No. 497 of the Legislature of Alabama of 1965, as amended by Act No. 962 of the Regular Session of 1969, appearing on pages 1707, 1708 and 1709 of the Acts of Alabama of 1969, which provides for a member to obtain the Joint Survivorship Option by prepayment is hereby repealed. The repeal of said subsection (b) shall not impair, or effect in any way, the right of any member of the system who, prior to the repeal of said subsection (b), provided for in the next foregoing sentence, may the prepayment to obtain the Joint Survivorship Option."

Section 2. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 385 S. 643—McMillan

AN ACT

To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used, the following terms have the meanings hereby given them, unless the context shows a different meaning is intended: "the City" means the City of Birmingham; "the pension law" means Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, (Ala. Acts, 1951, page 1579, et seg.), as amended; "the pension system" means the pension system the pension law established; "the pension board" means the Board of Trustees the pension law established; "the extraordinary disability allowance" means the allowance the pension law provides for a member disabled to perform his City duties by an accident occurring while he is serving the City; "the twelve months limitation" means the provision in subsection (b) of Section 14 of the pension law, as amended by Section 3 of Act No. 1209 of the Regular Session of the Legislature of 1969 that no extraordinary disability allowance shall be granted except by resolution of the pension board "passed within twelve months after the accident resulting in disability" (Ala. Acts, 1969, pp. 2265-2266); "the provision suspending benefits" means Section 19 of ARTICLE VI of the pension law, as amended by Act No. 1272 of the Regular Session of 1973 (Ala. Acts, 1973, pages 2147 and 2148); and "the civil service law" means the county-wide civil service law applying to the City, which is Act No. 248 of the Regular Session of the Legislature of 1945, as amended (Ala. Acts, 1945, pages 376-400).

Section 2. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE. The Legislature has found the following: that while Charles John Salors, a member of the pension system, was serving the City as a painter, on May 21, 1970, an accident resulted in his suffering severe and painful injuries which, for more than six months, completely disabled him and confined him to a hospital bed or to a wheelchair in his home; that in December, 1970, he resumed the painter job with the City instead of requesting retirement on an extraordinary disability allowance; that he served the City as painter from December, 1970, until May 16, 1973, when the City assigned him to the job of watchman, which paid substantially less than

the painter job; that Salors had permanent civil service status when the City removed him from the painter's job; that the City accomplished Salors' removal by giving him a written notice on May 10, 1973 that he was removed from the painter's job and assigned to the job of watchman for the City effective May 16, 1973; that continuously since May 16, 1973, Salors has served the City as a watchman at a salary substantially less than the salary provided for by the painter's job; that in September, 1973, Salors filed with the pension board his application for extraordinary disability allowance; that while such application was pending the pension board received and considered the opinion of the City Physician, Dr. Allen R. Dimick, declaring that Salors had become, and at the time of said opinion was, disabled to perform his duties as a painter as a result of the injuries he received in said accident; that in October, 1973, the pension board informed Salors that the twelve months limitation barred him from receiving the extraordinary disability allowance, because more than twelve months had elapsed following the accident which disabled him; and that continuously since the City demoted Salors from his job as painter he has been, and is now, physically disabled to perform the duties of a painter as a result of said accident.

The Legislature has further found: that the circumstances which influenced and motivated Salors not to file his application for the service-connected disability allowance within the time permitted by the twelve months limitation are such that the application of such limitation to deny Salors such allowance is contrary to the purpose of said limitation and deprives Salors of an extraordinary disability allowance to which in fairness and justice he is entitled.

The purpose of the Legislature in adopting this Act is to relieve Salors from the grievous and oppressive hardship he has suffered from the twelve months limitation being applied to deprive him of the extraordinary disability allowance.

Section 3 (a). Subject to the provisions of subsection (b), next below, as soon as practical after adoption of this Act the pension board shall pay to Salors the extraordinary disability allowance at the rate and for the periods provided for by this subsection (a).

The rate of the said allowance shall be the same as the rate would have been had the pension board granted Salors an extraordinary disability allowance for his said injuries within twelve months after the accident disabling him occurred. The allowance shall be payable for these two periods: the First Period, which shall begin on May 16, 1973 (when the City removed Salors from the painter's job) and shall end

on the date whereon the pension board makes the lump sum payment for which the sentence next following provides; and the Second Period, which shall begin on the date following the date whereon said lump sum payment is made and shall end on the date whereon there exists any condition which the pension law provides shall terminate a service-connected disability allowance. As soon as practical after adoption of this Act, the pension board shall make the lump sum payment covering the First Period. During the Second Period the pension board shall monthly pay to Salors the allowance at the same time the board pays other extraordinary disability allowances accruing under the pension law.

(b) The payments provided for in subsection (a), next above, shall be subject to all conditions and limitations this subsection (b) prescribes.

Anything in subsection (a), next above, to the contrary notwithstanding, the pension board shall not pay to Salors any allowance for the First Period, described in said subsection (a), or for any part of such period, during which the pension board shall find and declare by resolution, adopted by the Board, that Salors was not disabled to perform his duties as a painter with the City; provided, however, that before adopting any such resolution the board shall accord Salors a hearing on the question of whether he was disabled, as aforesaid, of which hearing the board shall give to Salors at least ten (10) days' written notice stating the time and place of the hearing and the question to be considered at said hearing.

The payments of the extraordinary disability allowance provided for by this Act shall be subject to all conditions and limitations this Section 3 of this Act imposes. Such payments shall also be subject to any and all other conditions and limitations the pension law imposes on the payment of the extraordinary disability allowance except to the extent that this Act provides that such conditions or limitations shall not apply.

Without limiting the generality of the two next foregoing sentences it is hereby expressly provided that the two sections of the pension law below named in this Section 3 shall apply to the allowance this Act grants to Salors.

The said allowance shall be subject to the provision of Section 9 of ARTICLE VI of the pension law that during the continuance of any disability the pension board may from time to time require further certification of disability by one or more licensed and practicing physicians or surgeons and may require such additional proof of the continuance of such disability as the board deems appropriate.

The provision suspending benefits shall not apply to prevent Salors from receiving the allowance this Act grants for, or during, the First Period described in subsection (a), next above; but the provision suspending benefits shall prevent the payment to Salors of such allowance for, or during, any part of the Second Period described by said subsection (a) during which Salors is employed by the City, is due a salary from the City or has been paid a salary by the City.

Section 4. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 386 S. 126—Gilmore, Foshee, Bank, McDonald (S), Torbert, Perloff, Vacca, Owen, and Little

AN ACT

Relating to certain positions in the state department of education; providing that such positions shall continue to be subject to and governed by the state merit system law, except as to the fixing of the salaries for such positions, until vacated by the incumbents of such positions, respectively, when this act becomes law, but shall thereafter not be subject to such law; regulating powers and duties of the state board of education and the state superintendent of education relative to such positions and the recruitment and employment of persons to fill such positions.

Be It Enacted by the Legislature of Alabama:

Section 1. The positions of assistant state superintendents of Education and of division directors in the state department of education, when this act becomes law, shall continue to be covered by the Alabama Merit System Law in all matters except the number of positions and the method of fixing the compensation for the performance of the duties of such offices. So long as the incumbents of any such offices existing on the effective date of this act continue to serve in such positions, they shall be entitled to retain all benefits and immunities to which they are entitled under the merit system law, and shall continue to be entitled to participate in the teachers retirement system upon the same terms and under the same conditions as previously applied to them, provided that the state board of education may determine the salaries of such incumbents.

Section 2. Upon the vacation of any of the offices designated in Section 1 hereof by any such incumbents, such positions

shall cease to be covered by the merit system law; and persons to fill such positions thereafter shall be appointed and compensated without regard to the said merit system law, and shall serve at the pleasure of the state board of education. Except as hereinabove provided, however, any such person shall be entitled to all the benefits accruing to state employees who are subject to the merit system law, including the right to accumulate leave and to participate in the teachers retirement system upon the same terms and under the same conditions as other employees of the state department of education.

Section 3. The state board of education, upon the recommendation of the state superintendent of education, shall prescribe the amount of the annual salaries for the assistant state superintendents of education and for the directors of each of the several divisions in the state department of education; and the salaries so prescribed shall apply whether such employees are incumbents of such positions when this act becomes law or are thereafter employed in such positions. In no case may the salary of a director or assistant superintendent be as great or greater as that of the state superintendent of education.

Section 4. Upon the occurrence of a vacancy in any of the positions designated in Section 1 hereof or upon the establishment of new positions, the state superintendent of education, with the approval of the state board of education, shall recruit and employ a person to fill such position. The employment of such person shall not be subject to nor governed by the state merit system law. Any person so employed shall serve at the pleasure of the state board of education and the state superintendent of education. The state board of education upon the recommendation of the state superintendent of education may enter into contracts of employment with any such employee, but no such contract shall provide for the employment of such person after the expiration of the term of office of the superintendent of education making the recommendation.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 387 H. 105—Pegues

AN ACT

To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a privilege or license tax against certain persons and utilities on account of the furnishing of certain utility services and prescribing rates and exclusions therefrom, providing for the issuance of a utility license and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from such tax; deleting the words "other than by a municipality or other municipal entity organized by a municipality" from the definition of "Utility Services" in Section 1, and by adding a new Section (h) to Section 5.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 1. Definitions. Wherever used in this Act, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations.

" 'Domestic water' shall mean all water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

" 'Gross receipts' shall mean the value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross receipts' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.

" 'Gross sales' shall mean the value proceeding or accruing from the furnishing of utility services (and including the proceeds from the sale of any utility services handled on consignment by the taxpayer), without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatever, and without any deductions on account of losses. 'Gross sales' shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or

consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other persons.

"'Person' shall mean an individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the State of Alabama, every county in the State of Alabama, every municipal corporation in the State of Alabama, the United States of America and its agencies, and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America, and operating in the State of Alabama, as well as every private or non-public entity.

"'Retail sale' shall mean all sales except those defined herein as wholesale sales.

"'Taxpayer' shall mean any person liable for taxes under the provisions of this Act.

"'Utility' shall mean every person regular engaged in furnishing utility services to another person or other persons in the State of Alabama.

"'Utility services' shall mean electricity; domestic water; natural gas, telegraph services; and telephone services to subscribers; provided that 'utility services' shall not mean telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama Public Service Commission or any successor thereto; provided, further, that 'utility services' shall not mean utility services stored, used or consumed by a utility.

"'Wholesale sale' shall mean a sale or exchange of utility services by a utility to or with anyone, including any person or any utility, engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user, not for resale."

Section 2. That Section 5 of Act No. 21, H. 28, enacted at the 1969 Special Session of the Legislature of Alabama, be and the same is hereby amended to read as follows:

"Section 5. Exclusions. There are hereby specifically excluded from the gross receipts or gross sales of a utility, upon which the tax herein levied is calculated, all portions thereof derived from the following:

"(a) the furnishing of utility services which the State of Alabama is prohibited from taxing under the Constitution or

laws of the United States of America or the Constitution of the State of Alabama;

"(b) the furnishing of utility services which are otherwise taxed under the provisions of Act No. 100 adopted at the Second Extraordinary Session of 1959 of the Legislature of Alabama, as amended;

"(c) wholesale sales;

"(d) the furnishing of electricity, natural gas, or domestic water for use or consumption by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, in or for the direct production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water thereby;

"(e) the furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

"(f) the furnishing of natural gas to a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

"(g) the furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

"(h) the use or consumption of electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic control systems, the use or consumption of telephone services by an incorporated municipality in providing fire alarm systems, and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions or conflagrations."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 388 H. 158—Manley

AN ACT

To amend Section 6-118 of Act No. 1205, S. 400, Regular Session 1975, which Act implements the judicial article amendment to the Constitution of Alabama, so as to allow certain circuit court judges to assign cases to district court judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-118 of Act No. 1205, S. 400, Regular Session **1975, is hereby amended to read as follows:**

"6-118. In those circuits having more than one district court judge the presiding circuit court judge may designate from time to time a district court judge who shall have the same powers and authority as a circuit judge to handle all cases involving domestic relations, divorce, annulments of marriage, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-support Act and all other domestic and marital matters over which the circuit court has jurisdiction as well as all laws pertaining to juvenile and non-support cases arising in the county under Title 34 of the 1940 Code of Alabama and shall serve as an ex-officio circuit judge when handling such cases, provided, however, that in those counties having one district judge, and in which a circuit judge is currently empowered to handle the aforementioned classes of cases, as well as juvenile cases, such power and authority shall not transfer to the district judge without the express authorization of the presiding circuit judge, regardless of any provisions contained in this Act or any other laws to the contrary."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 389 H. 764—Rich, Gafford, McCorquodale, Mitchem, Crowe, Merrill, Biddle, Roberts, Martin, Naramore, Brindley, Sasser, Kelley, Taylor, Drake, Sparks

AN ACT

To make it unlawful for any person in State government, elected or appointed, to present or prepare any false budget or fiscal informa-

tion for the legislature knowing the same to be false, and providing for penalties for the violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person in state government, including elected or appointed officials, who prepares false budget or fiscal information to be presented to any legislative committee, or who presents false budget or fiscal information to any legislative committee, knowing such budget or fiscal information to be false, shall be guilty of a misdemeanor and, on conviction, shall be imprisoned in the county jail for not more than one year, and may also be fined not more than $1,000.00.

Section 2. In the event of a second conviction under this Act, such person shall be forever ineligible to hold any position with the State of Alabama.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall supersede any act or provisions of law in conflict herewith.

Section 5. This Act shall be effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 390 H. 60—Ford, Taylor, Brindley

AN ACT

To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman, Sr. Building and the Occupation Building at Gadsden State Junior College be named the Bevill Occupational Education Building.

WHEREAS Mr. Frank Helderman, Sr. is a man of many talents who has contributed much to his state and his community; and

WHEREAS Mr. Helderman has never shunned responsibility, but rather he has spearheaded numerous worthwhile endeavors; and

WHEREAS Mr. Helderman has always been ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state, and country; and

WHEREAS Mr. Frank Helderman, Sr. has contributed generously of his time, talent and means in assisting in the development of Gadsden State Junior College; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The New Nursing Building at Gadsden State Junior College shall be henceforth named the Frank Helderman, Sr. Building. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 2. The Occupation Education Building at Gadsden State Junior College shall be henceforth named the Bevill Occupational Educational Building in honor of Congressman Tom Bevill. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 391 H. 133—Crowe, Naramore

AN ACT

To amend Section 16 (h) of Act No. 207, S. 134, Regular Session, 1949, as amended by Act No. 147, H. 104, 4th Special Session, 1975, the Act known as the "Alabama Coal Mine Safety Law of 1975", so as to further provide for adequate roof support and ventilation at the working faces.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The following section of Act No. 147, H. 104, 4th Special Session, 1975, amending Act 207, S. 134, Regular Session, 1949, is further amended to read as follows:

Section 16 (h) Proper breaks-throughh shall be made in all pillars as necessary to meet ventilation requirements at the working faces. The maximum distance between breaks-through shall be 105 feet and closer when required by the Chief of the Division. Permission to exceed 105 feet between breaks-through may be granted by the Chief of the Division only in exceptional conditions and must be in writing. Requests for permission must be initiated by the operator and recommended by the mine inspector.

SECTION 2. All laws or parts of laws which conflict with this Act are repealed.

SECTION 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 392 H. 300—Mitchem, Brindley, Kelley

AN ACT

To name a certain facility at Snead State Junior College.

Be It Enacted by the Legislature of Alabama:

Section 1. The following facility at Snead State Junior College in Boaz shall be named as follows:
The athletic field shall be named the Emmett Plunkett Athletic Field and a sign or plaque shall be erected showing said name.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 393 H. 318—Crowe, Naramore

AN ACT

To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. In recognition of outstanding service to the

mining industry of Walker County and to the people of Alabama as a distinguished and esteemed member of the legislature, the Mine Technology Building at Walker State Technical College is hereby named for Senator Robert T. Wilson and shall hereafter be officially referred to as the Robert T. Wilson Mine Technology Building.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 394

H. 336—Holmes (A), Hilliard, Wyatt, Jackson (R), Barron, Lewis, Owens, Harris, Reed, Cooper, Kennedy, McNair, McNees, Plaster, Venable, Sandusky, Callahan, Sasser, McCorquodale, Howard, Harrison

AN ACT

To provide that the library-classroom complex at the Alabama State University be named the Levi Watkins Learning Center.

WHEREAS, Dr. Levi Watkins, who has worked diligently and effectively in the field of education in Alabama for over twenty-five years, is widely recognized and respected for his competent leadership and broad experience within this field; and

WHEREAS, Dr. Watkins has served as president of Alabama State University since 1962 and under his administration the institution has attained regional accreditation, been upgraded to university status and its accreditation reaffirmed, attained national accreditation for two of its three professional colleges, experienced growth in physical plant size from 52 to 81 acres and in value from approximately $10 million to an estimated $33 million, attained a separate board of trustees, increased the number of national honor and professional societies on its campus from 2 to 18, and seen its prestige recognized nationally; and

WHEREAS, Dr. Watkins has been appointed by Governors

of Alabama to serve on numerous state commissions, committees and task forces, including the 1969 Alabama Education Study Commission, and been elected to executive posts in numerous educational organizations in the state, including that of president of the Alabama Association of College administrators; and

WHEREAS, Dr. Watkins has served on numerous national committees and boards, including the Secretary of the Navy's Advisory Board on Education and Training, and numerous municipal bodies, including the Industrial Development Board of the City of Montgomery and numerous civic and religious organizations; and

WHEREAS, The Board of Trustees for Alabama State University, being deeply appreciative of the interest and energy exhibited by this great educator on behalf of the institution and the people of Alabama, has voted unanimously to name the libray-classrroom complex the Levi Watkins Learning Center.

Be It Enacted by the Legislature of Alabama:

Section 1. The library-classroom complex at Alabama State University shall be henceforth named the Levi Watkins Learning Center. The Board of Trustees for Alabama State University is authorized and directed to properly designate such building by this name.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 395 H. 423—Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell, Andrews, McNair, Jackson (R)

AN ACT

To name the Nursing Education Building at Jefferson State Junior College for Dr. George L. Layton.

WHEREAS Dr. George L. Layton has been tireless in his efforts to aid the cause of education in Alabama; and

WHEREAS he has dedicated his time and energy to Jefferson State Junior College in particular; and

WHEREAS the Legislature of Alabama desires to honor this man by naming a certain building on the campus of Jefferson State Junior College for him; now therefor

Be It Enacted by the Legislature of Alabama:

Section 1. The Nursing Education Building at Jefferson State Junior College shall be named the George L. Layton Building.

Section 2. All laws or parts of laws which conflict with this Actt are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 396 H. 424—Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell, Andrews, McNair, Jackson (R)

AN ACT

To name the Science Education Center at Jefferson State Junior College for Mrs. Ruby K. Carson.

AN ACT

WHERAS Mrs. Ruby K. Carson has been tireless in her efforts to aid the cause of education in Alabama; and

WHEREAS she has dedicated her time and energy to Jefferrson State Junior College in particular; and

WHEREAS the Legislature of Alabama desires to honor this woman by naming a certain building on the campus of Jefferson State Junior College for her; now therfore

Be It Enacted by the Legislature of Alabama:

Section 1. The Science Education Center at Jefferson State Junior College shall be named the Ruby K. Carson Building.

Section 2. All laws or parts of laws which conflict with

this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 397 H. 425—Biddle, Boles, Waggoner, Falkenburg, Armstrong, Moore (O), Trammell, Andrews

AN ACT

To name the Vocational Technical Building at Jefferson State Junior College for Dr. Harold C. Martin.

WHEREAS Dr. Harold C. Martin has been tireless is his efforts to aid the cause of education in Alabama; and

WHEREAS he has dedicated his time and energy to Jefferson State Junior College in particular; and

WHEREAS the Legislature of Alabama desires to honor this man by naming a certain building on the campus of Jefferson State Junior College for him; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The Vocational Technical Building at Jefferson State Junior College shall be named the Harold C. Martin Building.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 398 H. 505—McNees

AN ACT

To name a portion of Alabama Highway 13 the "Albert Stovall Highway" and to designate the State Highway Department to cause appropriate signs and markers to be erected along said highway.

WHEREAS, Albert Stovall was county commissioner in excess of twenty-five years in Fayette County; and

WHEREAS, Albert Stovall was instrumental in getting paved that portion of Highway 13 that runs North from Berry junction to the Walker County line; and

WHEREAS, Albert Stovall is highly regarded and will be long remembered for his community interest and action within Fayette County; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of Alabama Highway 13 in Fayette County which runs North from Berry junction to the Walker County line is named the "Albert Stovall Highway."

Section 2. The State Highway Department shall cause appropriate signs and markers to be erected and maintained along said highway.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 399 H. 526—Smith (B), Lutz, Martin, Riddick, Gregg, Moore (W)

AN ACT

To authorize the counties and municipalities of this state to plan, establish, and furnish recreational, social, and cultural facilities, services and programs, including transportation services and programs, especially for senior citizens within the state, subject to uniform nondiscriminatory eligibility requirements; to authorize such subdivisions to agree to and abide by the conditions of any grant from any agency of the state or of the United States Government pertaining to such facilities, services, or programs; to authorize multijurisdictional agreements concerning such services; and to authorize such services by contract with public or private agencies.

Be It Enacted by the Legislature of Alabama:

Section 1. The counties and municipalities of this state are hereby authorized to plan, establish, and furnish recreational, social, and cultural facilities, services, and programs, including transportation services and programs, especially for senior citizens within the state, and to make the availability of benefits through use of such facilities, services, or programs depend upon uniform non-discriminatory elegibility requirements. In availing itself of this authority any county or municipality within the state may agree to and abide by the conditions of any grant from any agency of the state, or the United States Government pertaining to such facilities, services, and programs. Such services may be administered by and through such instrumentality or instrumentalities as may be designated for that purpose by the governing body of such county, or municipality, and may also be furnished by each such entity, or on a multijurisdictional basis through mutual agreements between two or more such entities, and also by contract with such public or private agencies as may be determined by such governing bodies as necessary or desirable.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 400 H. 692—Dial

AN ACT

To name the national guard armory in Lineville, Alabama, in honor of James C. Reeves and to direct the Alabama National Guard to cause appropriate signs and markers to be erected and maintained in designating the said national guard armory as the "James C. Reeves National Guard Armory".

WHEREAS James C. Reeves of Lineville, Alabama completed Lineville High School in 1936 and served with the 104th Infantry Division in Europe from November 1942 until November 1945; and

WHEREAS James C. Reeves joined the Alabama National Guard in August, 1951 and was appointed Warrant Officer; and

WHEREAS after a number of positions, he returned to Lineville in 1958 as unit AST (administration supply technician) and was later promoted to CW4 (Chief Warrant) in October 1966; and

WHEREAS James Reeves has been responsible for the actual location of the armory and the landscaping and building of the walks and steps to the armory; and

WHEREAS James Reeves, an ardent supporter of the Alabama Military Academy, has shown a special pride in the armory and has contributed in establishing an excellent relationship between the armory and the town of Lineville; and

WHEREAS he has dutifully maintained a one hundred percent attendance record at both IDT (inactive duty training) and AT (active training) since August 1951; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The national guard armory in Lineville, Alabama will hereby be named the "James C. Reeves National Guard Armory" in honor of James C. Reeves.

Section 2. The Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said national guard armory after James C. Reeves.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 401 H.J.R. 19—Robertson, McCorquodale, Owens, Manley, Drake

HOUSE JOINT RESOLUTION

URGING CONGRESS AND THE PRESIDENT NOT TO RELINQUISH THE PANAMA CANAL.

WHEREAS The United States financed and built the Panama Canal with a construction period of about 10 years

in the early part of this century and what was then a great cost; and

WHEREAS U. S. ownership of the Panama Canal is essential to American defense and security as well as to the American economy; and

WHEREAS the canal zone is considered a government reservation; and

WHEREAS the United States acquired title to the canal zone in perpetuity; and

WHEREAS it is imperative to Alabama and Southern economy that the U. S. retain control of the canal; and

WHEREAS some liberals in Congress and Secretary of State Kissinger desire to relinquish American title to the Panama Canal; and

WHEREAS such foolhardy action would be not only destructive but also dangerous; and

WHEREAS this legislature recognizes the seriousness of such proposed action and is adamantly opposed to it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge Congress and the President not to surrender any title to or interest in the Panama Canal in any way whatsoever.

RESOLVED FURTHER, That a copy of this resolution be sent to the President of the United States, to each member of the United States Congress, to the U. S. Secretary of State, and to the Governor, Lt. Governor and Speaker of the House of each State of the Union.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 402 H.J.R. 50—Starkey

HOUSE JOINT RESOLUTION

TO DESIGNATE COUNTY HIGHWAY 75 IN JACKSON COUNTY THE DORAN'S COVE-RIDLEY ROAD.

WHEREAS Oscar Ridley was instrumental in having Russell Cove named a National Monument; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That County Highway 75 from Old Mt. Carmel Church to the Tennessee line shall be designated as the Doran's Cove-Ridley Road; and the State Highway Department shall cause appropriate blue and white markers to be erected along said highway at two mile intervals so designating it.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 403 H.J.R. 98—Glass

HOUSE JOINT RESOLUTION

NAMING THE PROPOSED STATE BRIDGE FROM ISLAND ROAD TO U.S. HIGHWAY 90, IN MOBILE COUNTY, THE W. H. HOLCOMBE, JR., BRIDGE.

WHEREAS, the late W. H. Holcombe, Jr., served Mobile County and the State of Alabama with dedication and distinction for over four decades; and

WHEREAS, W. H. Holcombe, Jr., began his public service in the field of law enforcement as chief deputy sheriff in 1915 and was elected as sheriff first in 1918 and re-elected in 1930, 1938, 1942, 1946 and 1950; and

WHEREAS, the native Mobilian was elected for a four-year term in the House of Representatives in 1923, where as chairman of the Rivers and Harbors Committee he proved himself an able tactician in sponsoring and steering the passage of the Holcombe Bill which provided for the construction of the Alabama State Docks, and where he served with zeal on the Rules Committee, Commerce and Common Carriers Committee and the Committee on Public Health; and

WHEREAS, W. H. Holcombe, Jr., was a man with vision and so demonstrated in establishing the Holcombe Psychiatric Unit at the old City Hospital in Mobile which removed the mentally ill from the jails and enabled them to receive proper treatment; and

WHEREAS, W. H. Holcombe, Jr., was prominent in the business, civic, political and religious affairs of his community and was a member of the Mobile Chamber of Commerce, Loyal Order of Moose, Mobile Lodge No. 108 of the Benevolent and Protective Order of Elks, Mobile Real Estate Board, Mobile

Board of Fire Underwriters, Alabama Sheriffs' and Peace Officers' Association in which organization he served as president, and St. Mary's Church; and

WHEREAS, W. H. Holcombe, Jr., established the Milkland Farms Dairy on tthe Rabbit Creek Road near Theodore, often using the milk and beef to feed the prisoners when no other food was available; and

WHEREAS, the State Highway Department has proposed to erect a bridge in Mobile County from Island Road to U.S. Highway 90, near the estate of this versatile man, who was so sensitive to the needs of his community and who contributed generously to many worthwhile endeavors for the betterment of the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as a gesture of the esteem held for this outstanding Alabamian, that the proposed State bridge to be erected from Island Road to U. S. Highway 90 in Mobile County shall be named the W. H. Holcombe, Jr., Bridge, and the State Highway Department is directed to erect appropriate signs designating it as such.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the highway director and to the surviving members of the immediate family of W. H. Holcombe, Jr.

Approved August 23, 1976.

Time: 3:00 P.M.

Act 404 H.J.R. 258—Starkey

HOUSE JOINT RESOLUTION

CONGRATULATING THE CITY OF SCOTTSBORO FOR THEIR BICENTENNIAL EFFORTS.

WHEREAS the city of Scottsboro was officially designated a Bicentennial community; and

WHEREAS Carlus Page, chairperson of the Scottsboro Bicentennial Committee, and John T. Reid, Mayor of Scottsboro, along with the committee members have caused a most dignified program of events for the community; and

WHEREAS the city of Scottsboro will have a lasting reminder of their country's 200th birthday due to the diligent and hard work of the Mayor and the committee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we offer our felicitations to the aforementioned individuals and committee for their outstanding work to preserve "the Spirit of '76."

BE IT FURTHER RESOLVED That copies of this resolution be sent to the above mentioned individuals as well as a copy to the Jackson County Advertiser and the Daily Sentinel for inclusion therein.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 405 H.J.R. 265—Brindley

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. HUBERT STREET UPON THEIR RETIREMENT FROM THE ONEONTA SCHOOL SYSTEM.

WHEREAS, Mr. and Mrs. Hubert Street have elected to retire after sixteen years of admirable service to the Oneonta school systems; and

WHEREAS, Hubert Street has devoted much of his time and energy to the field of education in the dual role of superintendent-principal of Oneonta High School, and Georgia Street has involved herself with helping school children in the primary grades; and

WHEREAS, the Streets have also shown an interest in education and their community as he is a member of Oneonta Masonic Lodge, Oneonta Lions Club, OEA, AEA, NEA, Alabama Association of School Administrators, Blount County Camp of Gideons International, former Coosa County Superintendent of Education and a former deacon at First Baptist Church. She is a member of Delta Kappa Gamma, OEA, AEA, NEA, Variosa Club, Gideons Auxiliary, and an active participant in the First Baptist Businesswoman's' Missionary Society; and

WHEREAS, Mr. and Mrs. Hubert Street's many years of dedicated service toward the preparation of young people for a successful life is greatly appreciated by the community of Oneonta; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Mr. and Mrs. Hubert Street for their many contributions to their community in the important field of education and wishes them a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hubert Street.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 406 H.J.R. 266—Lutz, Riddick, Moore (W), Albright, Gregg, Smith (B)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF W. E. POPEJOY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of W. E. Popejoy of Huntsville on July 13, 1976; and

WHEREAS, W. E. Popejoy served his fellow citizens of Huntsville and Madison County as Business Administrator of the Madison County School System for almost fifty years; and

WHEREAS, W. E. Popejoy was devoted to the cause of education and was particularly effective in representing the retired teachers of Madison County; and

WHEREAS, W. E. Popejoy took a lively interest in the civic and religious life of his community, having served as a deacon in his church and having amassed a forty-eight year perfect attendance record in the Huntsville Kiwanis Club, as well as serving in other civic endeavors; and

WHEREAS, W. E. Popejoy exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman and will be greatly missed by his legions of friends; NOW THEREFORE,

BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring, that we do deeply mourn the death of W. E. Popejoy and that we extend our deepest sympathy to his wife and son on this occasion of their great loss.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mr. Popejoy's wife and son.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 407 H.J.R. 267—Kennedy

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CLARENCE ALLEN LOTT, SR., OF MOBILE.

WHEREAS, the Alabama Legislature has learned of the death of Clarence Allen Lott, Sr., on May 15, 1976; and

WHEREAS, Clarence Lott was assistant funeral director and embalmer for Johnson and Allen Funeral Home, and later steward and then port steward for Alcoco Steamship Lines until his retirement in 1970; and

WHEREAS, Clarence Lott was involved in the religious life of his community as a Catholic at Most Pure Heart of Mary Parish and a member of the Holy Name Society; and

WHEREAS, Clarence Lott participated in the social life of Mobile in such clubs and organizations as the Lotus Social Club, Council No. 1 of the Knights of St. Peter Claver in which he was the second oldest member, Elks Lodge No. 244 in which he was a gold card member, the International Seafarers Union of America, and the George L. Rieras 4th Degree of Knights of St. Peter Claver; and

WHEREAS, Clarence Lott will be long remembered and sorely missed by his many friends through the years and his loved ones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body mourns the unfortunate death of Clarence Allen Lott, Sr., and wishes to express its deepest sympathies to his four children: Clarence Jr., Lamar, Lolette and Doris.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 408 H.J.R. 268—McNees

HOUSE JOINT RESOLUTION

COMMENDING MR. DEWEY JORDAN UPON HIS RETIREMENT AS PRESIDENT OF LAMAR COUNTY FARM BUREAU.

WHEREAS, after twenty years of distinguished leadership and service Dewey Jordan has chosen to retire from his position as President of Lamar County Farm Bureau; and

WHEREAS, his prominence and guidance in farm business throughout the communities in Lamar County is recognized and greatly appreciated; and

WHEREAS, Dewey Jordan's activities extend into the church and other civic affairs; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Dewey Jordan for his many contributions and leadership in the farming business for Lamar County and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to Mr. Dewey Jordan.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 409 H.J.R. 283—Starkey

HOUSE JOINT RESOLUTION

COMMENDING MR. P. L. BENTLEY UPON HIS RETIREMENT AS PRINCIPAL OF THE NORTH SAND MOUNTAIN HIGH SCHOOL.

WHEREAS, P. L. Bentley has elected to retire after a teaching career of thirty-two years of which he served twenty years in Jackson County; and

WHEREAS, in his distinguished seventeen years as principal of North Sand Mountain High School, the attendance at the school increased from 165 students to 725 students, and the school became accredited through the State Board of Education; and

WHEREAS, Mr. Bentley's hard work for and dedication toward improvement of the educational standards and conditions at North Sand Mountain High School is greatly appreciated by concerned citizens in Jackson County, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Mr. P. L. Bentley for his many contributions to the vital field of education and wishes him a very happy and successful retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. P. L. Bentley.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 410 H.J.R. 284—Brindley

HOUSE JOINT RESOLUTION

COMMENDING THE RE'GENERATION SINGERS.

WHEREAS, The Alabama legislature at various legislative functions throughout the State has been privileged to attend performances of the Re'Generation Singers; and

WHEREAS, the Re'Generation Singers are not only exceptionally talented but leave their audiences with a renewed sense of patriotism and inspiration; and

WHEREAS, in 1970, their lyricist and arranger, Derric Johnson, a native of San Diego, active in music ministry among collegiate groups, organized the Re'Generation Singers for the purpose of displaying a positive expression of faith and pride in this nation's heritage to counteract a wave of negativism by young anti-establishment groups then hitting our country; and

WHEREAS, during the last six years volunteer singers have been selected from among 1,000 auditioners on the basis of musical ability, personality, appearance and commitment; and

WHEREAS, these dedicated singers have been natives from across the breadth of this nation, from San Diego to New York and from Oregon to Florida; and

WHEREAS, the Re'Generation Singers travel 85,000 miles annually performing in all forty-eight continental states and Puerto Rico before live audiences of one million; and

WHEREAS, many church, civic and government groups have been refreshed by the spirit of the Re'Generation Singers, including ten state legislatures, none governors, the Rotarians, the Optimists and the Kiwanians, and the fifty lieutenant governors attending the National Lieutenant Governors' Conference at Point Clear, Alabama, in 1975; and

WHEREAS, the melodious voices of Re'Generation have thrilled their listeners at the International Conventions of Rotarians, Kiwanians and Optimists as well as the audiences of 150 shows at Disney World in Florida; and

WHEREAS, the zeal, dedication and musical ability of the Re'Generation Singers have earned many coveted awards including the George Washington Honor Medal for Patriotic Music by the Freedoms Foundation of Valley Forge, Pennsylvania, and the New Spirit of '76 Award by the International Convention of Optimists, in Washington, D. C., on June 30, 1976,

awarded for "doing more for America than any other musical group"; and

WHEREAS, the Re'Generation Singers' "America Is" was recognized as Album of the Year at the National Booksellers Convention in Atlantic City, New Jersey, during the week of July 12, 1976; and

WHEREAS, the radio program, "America Is," is broadcast daily from Nashville, Tennessee, carrying the soft, dulcet sounds of the Re'Generation Singers, together with historic vignettes by Derric Johnson, over 700 stations and was aired over 500,000 times during the first six months of 1976; and

WHEREAS, Re'Generation has conducted over 500 choral and musical technique clinics and has inspired many other young Americans to form like groups; and

WHEREAS, the Re'Generation Singers are expressing in song their thanks to the adults of America for the cornerstone of principles maintained at the price of blood and sacrifice; and

WHEREAS, the 1976 Re'Generation Singers under the talented leadership of Derric Johnson are: Sue Thrasher, Sandi Crume, Heidi Handschin, Betty Moore, Mervyn Moore, Gale Field, Les Speakman, Mike Buechel, Lee Young, Abby Lovett, Bill Thrasher and Floyd Paulson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Re'Generation Singers for the true patriotic spirit they exemplify and for their inspiring positive expressions of faith and pride in our nation's heritage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Derric Johnson, residing in Montgomery.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 411 H.J.R. 285—Edwards

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RALPH REYNARD NORMAN

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Ralph Reynard Norman of Fort Deposit; and

WHEREAS Mr. Norman has devoted his life to the betterment of the community serving on the city council since 1936; and

WHEREAS Ralph Norman has been an active member of the Bethel Baptist Church, and has served as a deacon for the past forty years; and

WHEREAS Mr. Norman's business accomplishments include the Norman Trading and Milling Company, a director of the Fort Deposit Bank, co-founder and co-chairman of the Board of Directors of the Fortex Manufacturing Company; and

WHEREAS Ralph Norman was a charter member of the Fort Deposit Chamber of Commerce, and received its Man of the Year Award in 1957; and

WHEREAS Mr. Norman served as a member of the Board of Trustees of Samford University for twenty-four years; and

WHEREAS Ralph Norman was an original trustee of the Montgomery Baptist Hospital, and a member of the board and past president of the Baptist Hospital Foundation; and

WHEREAS Mr. Norman has been active in Lowndes County politics, serving as a member of the Democratic Executive Committee for over twenty years; and

WHEREAS during the 1950's and 60's, he was active in the Alabama Ginners Association, Alabama Bonded Warehouse Association, the South Atlantic Warehouse Association, and the National Cotton Compress and Cotton Warehouse Association, having served as a past president of all these organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Ralph Reynard Norman and express our deep and sincere sympathy to his widow, Mrs. Esther Dunn Norman, and his family, to whom a copy of this resolution shall be sent.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 412 H.J.R. 287—McCulley

HOUSE JOINT RESOLUTION

CREATING A WASHINGTON COUNTY GOVERNMENTAL STUDY COMMISSION TO STUDY ALL FACETS OF

COUNTY GOVERNMENT AND TO MAKE RECOMMENDATIONS TO THE WASHINGTON LEGISLATIVE DELEGATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES, THEREOF CONCURRING, That there is hereby created a Washington County Government Study Commission which shall be composed of 7 members appointed by the Washington County Legislative delegation. In addition, the members of the Washington County Legislative delegation shall be ex-officio members of said committee.

The committee shall study all facets of county government including compensation, revenue, and road and bridge work, etc. The committee shall report their recommendations to the legislative delegation on any possible changes prior to the beginning of the next regular session, whereupon the committee shall be dissolved.

The Washington County governing body shall pay for all expenses incurred by said committee, including travel expenses incurred while studying other counties and shall furnish all needed clerical and professional help and shall give the committee access to all county records.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 413

H.J.R. 296—Starkey

HOUSE JOINT RESOLUTION

COMMENDING MISS KATHERYN ARMSTRONG OF THE TOWN OF STEVENSON, ALABAMA, FOR HER CONTRIBUTIONS TO THE BICENTENNIAL CELEBRATION.

WHEREAS, the Town of Stevenson in celebrating the Bicentennial worked to preserve and restore many historical sites; and

WHEREAS, much of this work was inspired by and due to the dedication of Miss Katheryn Armstrong; and

WHEREAS, particular Committee accomplishments include:

1. The historic Stevenson Depot and Hotel was placed on the National Registry of Historic Places on May 13, 1976, by the United States Department of the Interior because the Stevenson Bicentennial Committee assisted the Alabama Historic Association in obtaining the legislation for the purchase of and

preservation of the depot and Governor Wallace granted the funds for this purpose to the Town of Stevenson.

2. The Heritage Trail was established where auto tours to old homes and historic places in the Stevenson area are enjoyed and a descriptive map therefor is distributed.

3. The Committee, with the cooperation of individual citizens, has aroused interest in the importance of the Civil War Fort Harker and an archeological study of the famed fort has been made as a preliminary effort to have the National Park Service designate this fort as a national monument; and

WHEREAS, the preservation of these historic sites will inspire all Alabamians and tourists to reflect with appreciation on the virtues of our ancestors which is in keeping with the American spirit and such reflection is particularly appropriate during this Bicentennial year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate the Town of Stevenson and particularly Miss Katheryn Armstrong in their enthusiastic Bicentennial observance and their fine work in preserving historic sites which hold such an important place in our national heritage.

RESOLVED FURTHER, That copies of this resolution be sent to the Stevenson Bicentennial Committee and Miss Katheryn Armstrong.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 414 H.J.R. 297—Starkey

HOUSE JOINT RESOLUTION

COMMENDING THE TOWN OF STEVENSON, ALABAMA FOR ITS ENTHUSIASTIC SUPPORT AND PARTICIPATION IN OUR NATION'S BICENTENNIAL CELEBRATION.

WHEREAS, the Town of Stevenson, which boasts of approximately 2,400 inhabitants exhibited pride in the heritage of this great nation in their industrious and versatile observances of our country's Bicentennial; and

WHEREAS, the dedication of these fine citizens is unsurpassed by none; and

WHEREAS, the coordination of the many events and projects was under the outstanding abilities of and skills of synchronization of Mrs. E. G. Henniger, Chairperson of the Stevenson Bicentennial Committee; and

WHEREAS, the accomplishments of this energetic committee included the following:

1. A log cabin, which predates the Civil War, was donated and moved to the Stevenson Park for the use of citizens and as a meeting place for local Girl and Boy Scouts.

2. The Committee paid for and distributed approximately 2,500 liberty trees for planting by the townspeople.

3. The Stevenson Post Office was the first post office in the State to secure a Dye-Hub for a Bicentennial postal cancellation.

4. A Nature Trail was blazed by local Boy Scouts in City Park, with the identification of species of trees and plants.

5. Visit of Adventure II, with three flatboats, re-enacted the river journey of the renowned John Donelson to the present site of Nashville and the Bicentennial Committee served Noon meals to the twenty-four people on the boats.

6. An original Bicentennial Musical Pageant, using local directors, local citizens and school children presented the music of America's past with choral groups, school bands, and ensembles and dancers.

7. The Fourth of July Community Worship Service included music and community speakers with fourteen area churches participating.

8. On Festival Observance Day all Main Street store windows displayed locally-owned antiques and relics of our proud past, each depicting a different theme. The day was climaxed with the bands drawing large crowds of patriotic citizens, many dressed in period costumes, to watch the inspirational parade with floats and old modes of transportation, finally arriving at City Park where old crafts were demonstrated and old-timey games enjoyed, and in the evening swinging out in the dance which epitomizes the true pioneer days of young America—the square dance; and

WHEREAS, all of the activities were without admission and each activity drew record-breaking crowds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

do heartily congratulate the wonderful and dedicated citizens of Stevenson, Alabama, who served on the Bicentennial Committee and particularly its Chairperson, Mrs. E. G. Henninger, and we do thank them for helping all of their townspeople renew their patriotism and inspiration in the basic ideals upon which our beloved nation was founded.

RESOLVED FURTHER, That copies of this resolution be sent to the members of the Stevenson Bicentennial Committee.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 415 H.J.R. 298—McNees

HOUSE JOINT RESOLUTION

CONGRATULATING JAMES M. BARTON FOR TWENTY-ONE YEARS OF MERITORIOUS SERVICE TO FAYETTE COUNTY.

WHEREAS, James M. Barton has served as county engineer for Fayette County for twenty-one years; and

WHEREAS, Mr. Barton played an important role in the farm-to-market roads which have greatly benefited all the citizens of Fayette County; and

WHEREAS, under Jimmy Barton's supervision the county unit system was used to lower road construction costs by cooperation of the road districts; and

WHEREAS, cooperation by Mr. Barton's department and the City of Fayette has led to improvements of industrial sites, airport improvements and other beneficial projects; and

WHEREAS, during the past twenty-one years that Jimmy Barton served as county engineer, Fayette County has paved over four hundred miles of roads and presently maintains over three hundred and fifty miles with the State maintaining the other fifty; and

WHEREAS, Jimmy Barton has been close to the heartbeat of local government, and is concerned with road maintenance of the future, especially increased material and labor costs and heavier vehicles; and

WHEREAS, Jimmy Barton retired on June 30, after devoting his life to public service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature congratulates James M. Barton upon his retirement and commends him for his meritorious service to Fayette County.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. James M. Barton.

BE IT RESOLVED FURTHER, That this legislature does wish him a long and continued life of happiness in his retirement.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 416 H.J.R. 303—McNair

HOUSE JOINT RESOLUTION

COMMENDING BERNICE BEDELL UPON RECEIVING THE PRINCIPALS' ACHIEVEMENT AWARD FOR THE ELEMENTARY DIVISION.

WHEREAS, Bernice Bedell was honored with the Principals' Achievement Award for the elementary division; and

WHEREAS, this award recognizes improvement in a school's public relations, betterment of school climate, development of outstanding school programs, utilization of local resources, wise decisions and the handling of crises and unusual social problems; and

WHEREAS, effective leadership in our educational facilities is of the greatest importance in the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Bernice Bedell for her distinguished service to public education as principal of Roosevelt Elementary and congratulates her upon receiving the Principals' Achievement Award in the elementary division.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Bernice Bedell.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 417 H.J.R. 321—Kinsey, McMillan

HOUSE JOINT RESOLUTION

COMMENDING FRANK HRABE FOR A JOB WELL DONE.

WHEREAS Frank Hrabe has faithfully served the Legislature devoting three summers to working with the Legislative Reference Service; and

WHEREAS we wish to express our gratitude for Frank's work drafting resolutions and bills; and

WHEREAS Frank is returning to the University of Alabama to complete his masters degree in American Studies, majoring in the South; and

WHEREAS Frank is a scholar of Southern history and culture, and is interested in the future of Alabama and the South; and

WHEREAS without Frank's help, the work of the Legislative Reference Service and the Legislature would have been severely handicapped; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we thank Frank Hrabe for a job well done and wish him much success in all future endeavors.

BE IT FURTHER RESOLVED, that a confederate flag that has flown from the dome of the Capitol be presented to Frank for his work and interest in the South and Alabama.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Frank.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 418 H.J.R. 322—Drake, Sparks

HOUSE JOINT RESOLUTION

NAMING THE NEW ROAD CONNECTING U. S. HIGHWAY 31 AND CULLMAN COUNTY ROAD 26 THE ROLAND "RACEHORSE" JOHNSON PARKWAY.

WHEREAS Roland "Racehorse" Johnson, so nicknamed for his strong penchant for running spirited political races, is one of the Garden City and Cullman County's most accomplished citizens and certainly one of its favorite sons; and

WHEREAS Roland Johnson has served three highly successful terms as the chief executive of Garden City and in those twelve years under Mayor Johnson's leadership the city has enjoyed steadily improving streets, roads and public buildings, testimonials of which are the recently dedicated town hall and the soon to be completed overpass within the corporate limits; and

WHEREAS Mayor Johnson is widely known as a songwriter and performer, being a former member of the Strawberry Pickers Band which accompanied former governor Big Jim Folsom in two gubernatorial campaigns, and worked alongside future Governor George C. Wallace to help elect Folsom in 1954; and

WHEREAS Roland Johnson has also appeared as a recording artist on the Decca label, and has written and performed many notable songs such as "Play Them Bones" with the Francis Craig Orchestra, "Cornbread and Buttermilk Made Me What I Am," and his greatest hit "I Traded Her Love for Deep Purple Wine;" and

WHEREAS Roland Johnson demonstrated that he is athletically as well as politically and musically talented when he played professional baseball in the Brooklyn Dodgers system, assigned to the Mobile Area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of his many accomplishments and as a token of the esteem in which Roland Johnson is held by his fellow citizens, the section of newly constructed road connecting U. S. Highway 31 with Cullman County Road 26 at Garden City is hereby designated the "Roland 'Racehorse' Johnson Parkway."

BE IT FURTHER RESOLVED That the State Highway Department is authorized and directed to erect appropriate road signs along the parkway named herein.

RESOLVED FURTHER That copies of this resolution be sent to Mayor Roland Johnson.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 419 H.J.R. 336—McMillan, McCorquodale

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM D. HARRIGAN.

WHEREAS, The Alabama Legislature notes with deep regret the death of William D. Harrigan of Fulton, Alabama, on August 3, 1976; and

WHEREAS, William D. Harrigan, at the time of his death, was the President of Scotch Lumber Company in Fulton, Alabama, and was recognized throughout the South as an outstanding leader in the lumber industry; and

WHEREAS, William D. Harrigan developed the Scotch Lumber Company, which was incorporated in 1892 by his late father, into one of the most modern sawmills in the South, and through his indefatigable energies the mill's annual production placed it among the largest producers of board in the region and included a modern plywood plant in its operations; and

WHEREAS, even in the early 1900's William D. Harrigan exhibited his farsightedness and vision by placing his forest acreage under a multiple-use management program and pioneered the conservationally sound tree-planting program to ensure adequate wood fibre for future generations to come; and

WHEREAS, William D. Harrigan's pioneering spirit has contributed to the prosperity and economy of Alabama; and

WHEREAS, William D. Harrigan during periods of recession and depression in this nation showed his great dedication and love for his community when he continued operating his mill at a financial loss in order to provide employment and income for the people in and around Fulton; and

WHEREAS, William D. Harrigan was ever ready to contribute to the needs of his neighbors and indeed his charity was so widespread that it is impossible to cite all of his generous contributions for the betterment and progress of his neighbors, community, state and nation; and

WHEREAS, William D. Harrigan was graduated from Georgetown University and Georgetown Law School and was a member of the Alabama Bar Association;

WHEREAS, William D. Harrigan served as president and was a member of the Southern Pine Association and the Alabama Forestry Association, and he served on the Alabama Docks Advisory Board; and

WHEREAS, William D. Harrigan gained the respect and fond feelings of those who knew him, whether friend or mere acquaintance; and

WHEREAS, William D. Harrigan is survived by his wife, Mrs. William D. (Dorine) Harrigan; his son, William Dwight

Harrigan; his daughter, Mrs. Eunice Woods; his sister, Mrs. Virginia O'Melia; and five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of William D. Harrigan and extend our heartfelt sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 420 H.J.R. 248—McNees

HOUSE JOINT RESOLUTION

COMMENDING J. PAUL SPRINGFIELD UPON HIS RETIREMENT

WHEREAS, Mr. J. Paul Springfield has recently retired as the manager of the Tombigbee Electric Cooperative after 26 years of service with the Cooperative; and

WHEREAS, J. Paul is every ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, J. Paul has exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen, gaining the respect and affection of all who know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend J. Paul Springfield for his devoted 26 year career with the Tombigbee Electric Cooperative.

RESOLVED FURTHER, That J. Paul Springfield receive a copy of this resolution.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 421 H.J.R. 249—Dial

HOUSE JOINT RESOLUTION

COMMENDING THE CLAY COUNTY FREEDOM SINGERS

WHEREAS, the Clay County Freedom Singers from Clay County High School have distinguished themselves by their exceptional performances throughout the State of Alabama, at Disney World, and at the President's Garden in Washington D.C.; and

WHEREAS, these fifty singers under the organization of Sandy Snow feature a program of stirring patriotic songs to remind all of us of our great nation's heritage; and

WHEREAS, the Clay County Freedom Singers who are sponsored by Clay County High School and the Clay County Bicentennial Committee have provided immeasurable enjoyment to the many thousands who have attended their performances; and

WHEREAS, these singers have made such an important contribution to recognize our country's greatness in its bicentennial year; and

WHEREAS, the Clay County Freedom Singers have proven themselves to be an excellent representative of their school, country, and state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Clay County Freedom Singers for their many fine performances and for their meritorious salute to our nation's two hundred year history.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Hamilton "Sandy" Snow, Mrs. Sheryl Bonner, Mrs. Dot Fulbright, Mr. Paul Dick, Mr. Lee Bonner, and Mr. Don Fulbright.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 422 H.J.R. 250—McNees

HOUSE JOINT RESOLUTION

COMMENDING ROBERT PENNINGTON UPON HIS RETIREMENT

WHEREAS, Mr. Robert Pennington has recently retired as the assistant manager of the Tombigbee Electric Cooperative after 31 years of devoted service with the Cooperative; and

WHEREAS, Robert is a devoted community builder who has served his people with great concern and dedication; and

WHEREAS, Robert is a versatile person, sensitive to the needs of his business and community, and one who contributes generously of his time and talent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend Robert Pennington for his distinguished and devoted career of 31 years with the Tombigbee Electric Cooperative.

RESOLVED FURTHER, That Robert Pennington receive a copy of this resolution.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 423 H.J.R. 354—Teague, McCluskey, Dial

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. HERMAN LONG

WHEREAS The Alabama Legislature has noted with a sense of deep regret the passing of Dr. Herman Long; and

WHEREAS Dr. Herman Long, one of the foremost black educators in the nation, has served as President of Talladega College since 1963; and

WHEREAS under Dr. Long's leadership, Talladega College now ranks 10th in the nation in the percentage of male graduates who go on to become doctors and 55th in the percent of graduates who continue into professional or graduate school; and

WHEREAS, as a graduate of the school himself, Dr. Long sought to inspire his students to achieve the most from their education, and was extremely pleased to see educationally deprived students make something of themselves; and

WHEREAS, Dr. Herman Long was a leader in the United Negro College Fund and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dr. Herman Long and express our deepest and sincerest sympathy to his widow, Mrs. Henrietta S. Long and to his family to whom a copy of this resolution shall be sent.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 424 H.J.R. 358—Greer, McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

HOUSE JOINT RESOLUTION

COMMENDING SEN. FLIPPO FOR HIS SUCCESSFUL ATTEMPT FOR THE FIFTH CONGRESSIONAL SEAT.

WHEREAS, this body has been informed that Sen. Flippo's opponent has withdrawn from the race and thereby assuring Sen. Flippo's victory; and

WHEREAS, Sen. Flippo has faithfully served his constituents for one term in the house and one term in the senate; and

WHEREAS, Sen. Flippo's interest and devotion to the needs of his state and community stand as a fine example for all Alabama citizens to follow; and

WHEREAS, this legislature is confident that Sen. Flippo will ably represent all Alabamians as a United States Congressman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body commends Sen. Flippo for his successful attempt to secure the fifth congressional seat and wishes him the greatest success in his newly acquired position and thanks him for his outstanding service to the Alabama legislature.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 425 H.J.R. 361—McCorquodale

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF PHILIP EDWARD FRANK

WHEREAS the Alabama legislature has noted with a sense of deep regret the death of Philip Edward Frank; and

WHEREAS Philip Edward Frank was a former vice president and assistant to the president of Sinclair Oil Company, and faithfully served the company for twenty-nine years; and

WHEREAS Mr. Frank was an eingineering graduate of the University of Alabama where he was a member of Phi Beta Kappa, and was an active member of the Alumni Association and received its Distinguished Alumnus Award in 1970; and

WHEREAS Philip Edward Frank was past commander-in-chief of the Sons of Confederate Veterans, and was active in the American Legion serving as commander of the American Legion in Kentucky and commander of the Manhattan, New York, post; and

WHEREAS Mr. Frank was active in the Sons of the American Revolution and received the organization's Gold Medal for Good Citizenship; and

WHEREAS Philip Edward Frank was past president of the Clarke County Historical Society, and was active in many church and civic affairs of his community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we mourn the death of Philip Edward Frank and express our deep and sincere sympathy to his widow, Mrs. Maud Flynn Frank, and his family to whom a copy of this resolution shall be sent.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 426 H.J.R. 367—Mitchem

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DAN DENDY

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Dan Dendy of Albertville; and

WHEREAS, Dan Dendy was active in community interests and his church, never complaining, while always putting others first; and

WHEREAS, Mr. Dendy was a man of many talents who contributed much to his state and to his community, who never shunned responsibility, but rather spearheaded numerous worthwhile endeavors; and

WHEREAS, Dan Dendy's greatest contribution was being himself. It may be said that he knew how to live, and by so living, made this a better world for the host of friends who mourn his loss; and

WHEREAS, Dan Dendy gained the respect and fond feelings of those who knew him whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Dan Dendy and express our deep and sincere sympathy to his family, to whom a copy of this resolution shall be sent.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 427 H.J.R. 370—Boles, Tucker, Hall, Jolly, Falkenburg, Gafford, Trammell, Waggoner, Biddle, Andrews, Jackson

(R), Harrison, Leonard, Hilliard, Porter, McNair, White, Moore (O), Armstrong, Howard

HOUSE JOINT RESOLUTION

COMMENDING AND PRAISING THE GREATER HUEYTOWN ALL-STARS OF THE DIZZY DEAN LEAGUE FOR REPRESENTING ALABAMA AND WINNING THE WORLD SERIES AT HATTIESBURG, MISSISSIPPI, ON JULY 31, 1976.

WHEREAS, the Hueytown All-Stars won the Dizzy Dean League World Series on July 31, 1976, at Hattiesburg, Mississippi; and

WHEREAS, capturing the title did not come easily: They played into the final, having beat the previously undefeated Louisiana team twice and were victorious after the second overtime inning with a score of 2-1; and

WHEREAS, first baseman, Mike Jones, won the "Most Valuable Player" of the series; and

WHEREAS, the players, Steve Donaldson, Terry Edwards, Tommy Ellis, John Erlanger, Duane Griffin, Danny Hyde, Mike Jones, Jonny Kelly, Billy Odgers, Glen Owens, Earl Pate, Darren Scott, and Chris Watts worked diligently, long and hard to achieve this outstanding honor; and

WHEREAS, the coaches, Babe Evans and Eddie Cole and trainer, Doc Crane, are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to any winning team; and

WHEREAS, these 15-16 year old boys set records throughout district and state play and are without doubt the most exceptional team in history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Hueytown All-Stars for winning the Dizzy Dean League World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Bud Newell, President of the Hueytown Dizzy Dean League and to the above named coaches, players and trainer.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 428 H.J.R. 371—Boles, Tucker, Hall, Ford, Starkey, Taylor, Mitchem, Weeks, Kelley, Rich, Goodwin, McNees, McNair

HOUSE JOINT RESOLUTION

CONGRATULATING OUR DISTINGUISHED COLLEAGUE, JOE BRINDLEY, UPON RECEIVING HIS Ph.D. DEGREE FROM THE UNIVERSITY OF ALABAMA.

WHEREAS, Representative Joe Brindley has the reputation of being one of the most learned and scholarly members of the Alabama Legislature; and

WHEREAS, Representative Brindley has used his keen mind and determination to earn his undergraduate and post graduate degrees at Jacksonville State University and the University of Alabama; and

WHEREAS, Representative Brindley has made great personal and financial sacrifice in continuing his education so that he might be better able to serve his fellow Alabamians; and

WHEREAS, Representative Brindley has recently received his Ph.D. Degree at the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate our distinguished colleague, Joe Brindley, upon receiving his Ph.D. Degree and wish him the greatest success in all his future endeavors.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 429 H.J.R. 282—Crowe, Robertson

HOUSE JOINT RESOLUTION

CREATING A JOINT INTERIM COMMITTEE TO STUDY WOOD FIBER AND REQUIREMENTS FOR FACILITIES TO EXPORT WOOD CHIPS WORLD-WIDE.

WHEREAS the forestry business is a vital part of Alabama's economy; and

WHEREAS it is important that no part of a tree be wasted; and

WHEREAS wood chips can be used to make finished products; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study wood fiber and requirements for facilities to export wood chips world-wide. Such committee shall be composed of three members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the President of the Senate. The committee shall elect a chairman from its membership.

The committee shall have $2,800 total to be used as legislative per diem only for days actually meeting. The committee shall report its findings, conclusions, and recommendations to the legislature not later than the fifth legislative day of its next regular session, whereupon the committee shall be dissolved.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 430 S.J.R. 23—Jones

SENATE JOINT RESOLUTION

CALLING FOR A MORATORIUM ON THE CONSTRUCTION OF NURSING HOMES IN THIS STATE.

WHEREAS, due to the financing available because of the medicare and medicaid programs there has been a vast over construction of nursing homes within this state; and

WHEREAS, the medicare and medicaid programs administered by the state of Alabama are not able to adequately keep up with the nursing homes already in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do encourage a moratorium on the construction of nursing homes, and request that any parties contemplating the construction or opening of new nursing homes give serious reconsideration before so doing.

BE IT FURTHER RESOLVED, That the Secretary of the Senate distribute copies of this resolution to the news media.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 431 S.J.R. 131—McMillan

SENATE JOINT RESOLUTION

COMMENDING SENATOR J. RICHMOND PEARSON ON BEING SELECTED TO APPEAR AS COUNSEL IN A MOOT COURT TRIAL TELEVISED BY THE MISSISSIPPI EDUCATIONAL TELEVISION SYSTEM.

WHEREAS, our distinguished colleague Senator J. Richmond Pearson has been selected by the Educational Television System of the State of Mississippi to appear as counsel in a moot court trial scheduled for statewide broadcast in the state of Mississippi in August; and

WHEREAS, Senator Pearson was selected based on his outstanding reputation as a lawyer in the State of Alabama and based on his recent contribution to and performance in an Alabama Educational Television Special on Criminal Justice; and

WHEREAS, the members of this body do recognize Senator Pearson's outstanding oratorical and acting ability as demonstrated by his performance in this body; now therefor

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body does commend Senator J. Richmond Pearson on being selected to appear as counsel in a moot court trial televised by the Mississippi Educational Television System.

BE IT FURTHER ENACTED, That a copy of this resolution be given to Senator Pearson.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 432 S.J.R. 132—McMillan

SENATE JOINT RESOLUTION

NAMING HOUSE BILL 42 AND THE ACT NO. ASSIGNED THERETO, IN THE EVENT THE BILL BECOMES LAW, THE "ROBERTSON-PEARSON ACT."

WHEREAS, Senator J. Richmond Pearson and Representative Edward "Big Ed" Robertson worked long and diligently for the passage of House Bill 42, providing for the development of a prison industry system and for prison made products to be sold to state agencies and other political subdivisions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That House Bill 42 and the Act No. assigned thereto, in the event the Bill becomes law, be known as the "Robertson-Pearson Act".

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 433 S.J.R. 146—Fine

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CECIL WOODROW EDGAR.

WHEREAS the Alabama legislature has learned of the unfortunate death of Cecil Woodrow Edgar of Glencoe who died in a hospital after an extended illness; and

WHEREAS Cecil Woodrow Edgar, a graduate of Livingston State College, served as a major in command of anti-aircraft units in the European theatre during World War II; and

WHEREAS he was employed as athletic director of Tallapoosa County Board of Education and later taught at Glencoe High School for twenty-eight years; and

WHEREAS Cecil, a member of the Glencoe First United Methodist Church, is sorely missed by his many friends and loved ones who will long remember his kindness and generosity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Cecil Woodrow Edgar and express our sincerest sympathies to his wife, Mrs. Thelma Norton Edgar; his sons, Travis Woodrow, John Cecil, and James Clarence Edgar, all of Glenco; his daughters, Mrs. Callie Waldrop, Rainbow City, and Mrs. Myra Lasseter, Huntsville; his sisters, Juanita Wheeler, Butler, and Pauline Britton, Silas; the other members of his family, his chosen brother Clarence Harcrow, Glencoe; his neices, Kathryn Young, Butler, and Bernice McElwain, Pennington; and to our colleague, Senator Gerald Waldrop.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Senator and Mrs. Gerald Waldrop, Mrs. Cecil Woodrow Edgar, Travis Woodrow, John Cecil, and James

Clarence Edgar, Mrs. Myra Lasseter, Juanita Wheeler, Pauline Britton, Clarence Harcrow, Kathryn Young, and Bernice McElwain.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 434 S.J.R. 150—Flippo

SENATE JOINT RESOLUTION

COMMENDING THE MUSCLE SHOALS MUSIC INDUSTRY FOR BRINGING WORLDWIDE ATTENTION TO THE AREA.

WHEREAS, sixteen years ago two young songwriters, Rick Hall and Billy Sherrill, opened a small studio over the City Drug Store in Florence to begin FAME Recordings and the Muscle Shoals sound; and

WHEREAS, this small start brought others to record in the tri-cities area, and included local talent in their recordings; and

WHEREAS, large recording studios came to Muscle Shoals to exploit the talents of its artists, songwriters, musicians and producers, bringing such stars as Wilson Pickett, Aretha Franklin, the Osmonds, Mac Davis, the Rolling Stones, Paul Simon, Rod Stewart, Lynard Skynard, and Hank Williams, Jr.; and

WHEREAS, Muscle Shoals became a place to break into the recording industry and to bring a new spark in a slipping career, such as Paul Anka, who had not had a hit in fourteen years until recording at Muscle Shoals; and

WHEREAS, multi-million dollar recording facilities are now springing up in the cotton fields in the area and have made the Muscle Shoals area the number one hit recording capital of the world; and

WHEREAS, The Muscle Shoals music industry has garnered many awards and much recognition since inception; and in 1972, Rick Hall was selected by Billboard Magazine as the number one record producer in the world and in 1974 was nominated for a Grammy Award as "Record Producer of the Year"; and in 1973, Jimmy Johnson, Roger Hawkins, Barry Beckett, and David Hood, the owners of Muscle Shoals Sound Studios were Grammy Nominees along with Paul Simon, for "Record Album of the Year"; and many, many gold records have been awarded to local studios and producers for producing the best known acts in the world; and

WHEREAS, the Muscle Shoals Music Association was organized to bring worldwide attention to the Muscle Shoals Sound and to support the anti-tape piracy bill passed by the Alabama legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Muscle Shoals Music Industry for bringing worldwide attention to the area.

BE IT RESOLVED FURTHER, That we urge the Governor to proclaim the first week in October as "Music Industry Week" for the state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rick Hall, President of the Muscle Shoals Music Industry.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 435 H. 715—Callahan

AN ACT

Relating to the coroner of any county in this state having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the qualifications, election, compensation, and duties of the coroner; providing for two assistants to the coroner; and providing for the appointment of subsequent coroners by the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census a coroner shall be elected by the qualified voters thereof who shall hold office for a term of four years from the first Monday after the second Tuesday in January next after his election and until his successor is elected and qualified.

Section 2. It shall be a necessary qualification that such person as may be elected to the office of coroner in any such county shall be learned in medicine and surgery and be a qualified pathologist as shall his assistants.

Section 3. The duties of such coroner shall be the same as are now prescribed by law and in addition thereto such duties as are hereinafter set forth.

Section 4. The coroner shall receive for his compensation the sum of six thousand dollars ($6,000.00) per year payable monthly in equal monthly installments by the county treasurer out of the general fund of the county treasury or by the person or corporation acting in the place of the treasurer. He shall receive in addition to the compensation above an annual sum of five hundred dollars ($500.00) payable at the end of each year by the county treasurer out of the general fund of the county treasury or by the person or corporation acting in the place of treasurer.

Section 5. The coroner may have two assistants to assist him in the performance of his duties and the compensation of each of said assistants shall be three thousand dollars ($3,000.00) per year which compensation shall be paid in the same manner as the coroner is paid out of the general fund of the county treasury.

Section 6. The coroner may delegate and authorize his assistants to hold inquests and to perform any and all other duties of such coroner as fully as he could do.

Section 7. In case of death due to violence it shall be the duty of the coroner when he deems it necessary to hold an inquest and inquire into the causes of death and in holding such inquest he may impanel a jury consisting of six (6) householders to decide and to determine the cause of death according to the facts and evidence testified to at said inquest.

Section 8. It shall be the duty of the sheriff of any such county to execute any and all processes directed to him by the coroner in the discharge of his official duties.

Section 9. The coroner may punish anyone guilty of contempt by interfering with or unduly disturbing any inquest proceeding by a fine of not more than ten dollars for each such contempt, or by imprisonment in the county jail for not over six hours, or both.

Section 10. The coroner shall have the right and the power to perform any and all autopsies upon the bodies of persons who have died by violence in order to ascertain the cause of death.

Section 11. The coroner elected at the general election held in November 1976 shall serve the term for which he is elected and thereafter the coroner shall be appointed by the governing body of the county who shall fix the term of office and the compensation of the coroner and his assistants; provided, however, all other provisions of this act shall remain in force and effect.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 436 H. 716—Carothers, Crawford, Smith (J)

AN ACT

Relating to Houston County; to further implement Section 9 of Act Number 160, 1971, and provide the Houston County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Houston County Commission shall employ sufficient appraisers, mappers, and clerical personnel to maintain appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 2. The Revenue Commissioner shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and valuated in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

Section 3. The Revenue Commissioner shall collect the cost of this appraisal and mapping program, which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

Section 4. The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This law shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 437 H. 717—Greer, Hill, Coburn

AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 75,200 according to the most recent federal decennial census; increasing the fee for the issuance of pistol permits; providing for the deposit of such additional fees in a fund to be designated the law enforcement fund; and providing for the use of such funds.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply in all counties having populations of not less than 65,000 nor more than 75,200 according to the most recent federal decennial census.

Section 2. In all countries in which this act applies, the fee for the issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama 1940, Title 14, Section 177, shall be increased four dollars, all of which additional fee shall be collected by the sheriff and deposited to the credit of a special fund or account in the county treasury to be known as the law enforcement fund and which shall be used exclusively by the sheriff for law enforcement purposes.

The monies deposited into the sheriff's law enforcement fund shall be drawn upon by the sheriff or his appointed agent upon written requisitions to the county treasurer. The sheriff shall keep and maintain records of all expenditures made from the law enforcement fund, and said fund shall be subject to audit upon resolution of the county commission or as otherwise provided by law. The sheriff may expend such funds for salaries, equipment, or other necessary expenditures for the operation of his office.

Section 3. The establishment of the sheriff's law enforcement fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other reimbursement or other source of income established for the sheriff or the operation of his office.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 438 H. 775—Jolly

AN ACT

Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants according to the most recent federal decennial census, to provide deputies and other assistance to the sheriff; fixing their compensation, repealing conflicting law.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of the Act shall apply to all counties having populations of not less than 26,725 nor more than 27,250 inhabitants according to the most recent or any subsequent federal decennial census.

Section 2. In addition to the chief deputy, the sheriff of any county to which this Act applies may appoint ten deputies and one jailer whose compensation shall be payable by the county.

Section 3. The appointment, hiring and continued employment of said deputies shall be contigent upon the counties to which this Act applies receiving adequate Federal General Revenue Sharing Funds to pay the salary, compensation, expenses, funding and equipping of said deputies.

Section 4. The sheriff of any county to which this Act applies shall designate two of said deputies as sergeants, two of the said deputies as investigators and one of the said deputies as office deputy.

Section 5. The sheriff of any county to which this Act applies shall be required to hire at least two deputies who reside in the town of Hayden or the Smoke Rise Community.

Section 6. The compensation of the chief deputy shall be $871.50 per month; the compensation of the two deputies desig-

nated as sergeants shall be $811.00 per month; the compensation of the two deputies designated as investigators shall be $800.00 per month; the compensation of the deputy designated as office deputy shall be $761.50 per month; the compensation of the jailer shall be $707.50 per month; the five remaining deputies shall be paid a salary of $761.50 per month upon being commissioned by the sheriff.

Section 7. The county commission of counties to which this Act applies shall provide for the use of the office of sheriff one additional automobile, fully equipped with radio and other necessary equipment as the sheriff and county commission may agree are necessary.

Section 8. All employees of the sheriff's office shall be entitled to receive an annual increase in salary which shall be paid in the same manner and at the same percentage rate as provided for other county employees.

Section 9. The compensation and clothing allowance of the deputy sheriffs of counties to which this Act applies shall be a preferred claim against the general fund of the county and shall be paid on warrant drawn in the proper manner.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective October 1st, 1976.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 439 H. 914—Jackson (F), Smith (J), Holley

AN ACT

Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of election officers in such counties to be payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 34,000 nor more than 34,800 according to the most recent

federal decennial census each election officer shall be paid the following compensation:

Chief Inspector	$20.00 per day
Assistant Inspector	18.00 per day
Poll Workers	15.00 per day

Such officers shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198 as amended. The several claims shall be paid as preferred claims out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered and shall be in lieu of any other compensation heretofore provided by law. Amounts paid to election officers under this act for per diem or mileage in excess of amounts prescribed by general laws shall not in any case be reimbursable by the state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 440 H. 915—Jackson (F), Smith (J), Holley

AN ACT

Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide for the compensation of jury commissioners in such counties, payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census, each member of the jury commission of such county shall be paid the sum of twenty dollars ($20.00) per meeting, to be paid out of any available funds in the county treasury. Such amount shall be in lieu of any other salary heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 441 H. 916—Jackson (F), Smith (J), Holley

AN ACT

Relating to counties having populations of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census; to provide an additional expense allowance for members of the governing body of any such county payable out of county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 34,000 nor more than 34,800 according to the most recent federal decennial census each member of the governing body of such county shall be allowed an expense allowance of seven hundred dollars ($700.00) per year as reimbursement for expenses incurred in the performance of his duty as a member of such governing body. The amount of such allowance shall be payable out of any available funds in the county treasury and shall be in lieu of any other expense allowance heretofore provided by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid, or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 442 H. 920—Coburn, Goodwin

AN ACT

Relating to Colbert County, to amend Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), which Act provides that the state highway department shall maintain all roads and bridges in said county, so as to provide that the county governing body of Colbert County shall make certain decisions as to which new roads shall be built and which existing roads shall be maintained.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 645, S. 593, Regular Session 1965 (Acts 1965, p. 1164), is hereby amended to read as follows:

"Section 2. The county governing body of Colbert County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

"a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

"b) To borrow money and issue bonds or other evidence of indebtedness, subject to the approval of the state highway department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

"c) To determine the need for any new roads and bridges within the county which may be established as an addition to the presently existing county road system of Colbert County, as well as to determine which existing roads and bridges shall be maintained, including the priority and type of maintenance to be performed thereon. All details including but not limited to, location of all new roads, routes to be used, materials, and actual techniques and administration of road and bridge maintenance shall be the responsibility of the state highway department;

"d) To exercise, subject to the approval of the state highway department, the right of eminent domain for the purpose of acquiring right of way for the establishment and changing county roads and bridges in the manner presently provided by law.

"In order to coordinate the functions of the county governing body and the state highway department provided herein, particularly those functions provided in subsection 2 (c) above,

the state highway department district engineer assigned to Colbert County shall meet at least monthly with the county governing body of Colbert County and shall report to that body of all expenditures and activities regarding Colbert County roads and bridges for the previous month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 443 H. 923—Crowe, Sparks

AN ACT

Relating to all counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; providing additional expense allowances for the circuit judges and the district attorneys, payable out of the treasury of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only to those counties having populations of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census.

Section 2. In all such counties, the district attorney and circuit judge each shall be entitled to an additional expense allowance in the amount of one hundred twenty-five dollars ($125.00) per month. Such allowances shall be in addition to all other compensation or expense allowances now provided by law and shall be payable out of the funds of such counties in equal monthly installments, in the same manner as other expense allowances are paid.

Section 3. This provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effecttive immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 444 H. 939—Smith (C)

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Maplesville in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Maplesville in Chilton County are hereby altered. rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Parcel No. 1—All that portion of the NE ¼ of the NW ¼ of Section 28, Township 21, Range 12 East, Chilton County, Alabama, that lies East of the West margin of Alabama Highway No. 22, as the same this date lies.

Parcel No. 2—Begin at the NW corner of Section 33, Township 21 North, Range 12 East, Chilton County, Alabama, and run thence Easterly along the North line of said Section to a point where said line intersects the Western margin of the Southern Railroad right of way; thence run in a Southwesterly direction along the West margin of said railroad right of way to a point where said right of way intersects the West line of Section 33; thence run Northly along the West line of Section to the Northwest Corner of said section and the point of beginning.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 445 H. 993—Manley, Clark

AN ACT

Relating to Hale County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" shall mean the "Alcoholic Beverage Control Board."

(b) "Malt" or "Brewed Beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wines," "vinous beverages," "vinous liquors" means all beverages made from the fermentation of fresh fruits, berries or grapes, with or without added brandy, and produced in accordance with the laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume, and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" shall mean any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" shall mean any incorporated city or town of this state, and its policy jurisdiction.

(f) "Person" shall mean every natural person, association, or corporation. Whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof, except as to incorporated clubs the term "person" shall mean such individual or individuals who, under the by-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this chapter.

(h) "Wine Wholesaler, Distributor or Jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wine (of alcoholic content fourteen percent or less) within Hale County at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wine to be con-

sumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

Section 2. Any provisions of Section 24, of Chapter 1, Title 29, Code of Alabama 1940, to the contrary notwithstanding in Hale County, table wines as herein defined may be sold at retail by any licensed wine retailer, as herein defined for off premises consumption only. A wine wholesaler, as herein defined may sell to a wine retailer table wines that have been purchased from a licensed manufacturer as herein defined.

Section 3. Retail Wine License. In Hale County the board shall have authority to issue a retail wine license for any retail outlet kept or operated by a wine retailer for the retail sale of table wines for off premises consumption in Hale County.

Section 4. Application. In Hale County every applicant for a retail wine license shall file a written application with the board, in such form as the board may prescribe, which shall be accompanied by a license fee of $100.00 and a filing fee of $10.00 together with the amount or amounts of the prescribed license fee or fees, if any levied by Hale County.

Section 5. Issuance. Upon receipt of the application, the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wine from a licensed wine wholesaler and resell the same at retail for off premise consumption in Hale County.

Section 6. Wine wholesaler's license. The Board shall issue to any reputable person who applies therefor, pays the license fee hereinafter prescribed, a wine wholesaler's license which will authorize the license to import and receive shipments of table wine from outside the state from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in Hale County. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of $500.00 and a filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by Hale County. In addition, the applicant shall file with his original application a bond in the penal sum of not less than $1,000.00 nor more than $10,000.00 conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

In Hale County licensed beer wholesalers may become licensed wine wholesalers upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the bond herein required.

Section 7. Manufacturer's License. Every manufacturer, distiller, winery, supplier, producer or bottler desiring to do business in this state by selling table wines to wholesale table wine distributors in Hale County shall register with the board prior to making any sales in Alabama. Each such manufacturer, distiller, winery, supplier, producer or bottler shall pay to the board a filing fee of $250.00.

Each such manufacturer, distiller, winery, supplier, producer or bottler shall be required to file with the board prior to making any sales in Alabama a list of its labels to be sold in Hale County and shall file with the board their Federal Certificate of label approvals or its certificates of exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein provided for shall be considered contraband and may be seized by the board, or its agents, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall be required to mail to the board prior to the tenth day of the month a consolidated report of all shipments of table wine made to each wine wholesaler during the preceding month. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped, an invoice setting out the quantities purchased and the price quotation showing at what price such wines were sold, the size, type, brand label and point of destination and such other information as the board may prescribe.

Section 8. License Renewal. The wine retail, wine wholesale and manufacturer's license herein provided for shall be required to be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of an existing license. All license fees paid other than those levied by Hale County shall be retained by the board as part of its net profit from operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses. The board shall have full and final authority as to the suspension and revocation of any licensed issued hereunder. In addition thereto the board shall have the authority, in the case of a wine

retailer to invoke a penalty of not less than $250.00 nor more than $500.00 for one or more of the following violations of this act:

(a) selling wine other than during the legal hours of sale or

(b) selling wine to a minor.

Section 10. Unlawful Acts. In addition to the unlawful acts set forth in Section 36 of Capter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wine to be sold except between the hours of 9:00 AM and 9:00 PM, Monday through Saturday. No table wine shall be sold on any Sunday, primary election day, general election or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising. In Hale County, table wines may be advertised in the same manner and through the same media that beer is now permitted to be advertised.

Section 12. Tax on table wine. In Hale County the tax on table wines shall be the same as levied by Sections 70(1), 70(2), 70(3) and 70(4) of Title 29, Code of Alabama 1940, and shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the 35% tax as provided by law and shall collect said tax from the wine retailer who, in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from the wine retailer the required amount of tax.

The tax on table wine shall be collected by a monthly return which shall be filed by the wine wholesaler, on a form prescribed by the board showing sales for the preceding month and the tax due thereon. The taxes due shall be remitted to the board along with the return. Such taxes paid to the board shall be considered as part of its net profits from operation and shall be distributed by the board. The wine wholesaler or distributor who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect a tax for any other level of government but nothing herein shall be construed to mean that taxes or licensing fees cannot be levied by Hale County, and by the municipalities in Hale County.

The board shall have the authority to examine the books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

Section 13. Stamps. In Hale County the wine wholesaler must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. It is the intention of this act to authorize the sale of table wines, as herein defined, by a licensed wine retailer in Hale County and to permit the purchase and resale by licensed wine wholesalers in Hale County to provide for the licensing of wine retailers, wine wholesalers and manufacturers; to provide for the collection, reporting and remitting of taxes now imposed by law. The provisions of Chapter 1, Article 29, Code of Alabama 1940, not in conflict with this act shall apply. However, where a conflict exists the provisions of this act shall prevail.

Section 16. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law, however, no retail sale by a wine retailer shall be made until sixty (60) days from the date that this act becomes law, whichever is later.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 446 H. 69—Baker, Whatley

AN ACT

To repeal Act No. 698, H. 1853, 1975 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 698, H. 1853, 1976 Regular Session, entitled, "An Act To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal

decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 447 H. 96—Turnham, Higginbotham

AN ACT

To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby determined and declared than in cities having a population of not less than 22,000 nor more than 25,000, according to the most recent federal decennial census, that the free circulation of traffic of all kinds through the streets of said cities within this state is necessary to the health, safety and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in streets of such cities; that the parking of motor vehicles in the streets has contributed to this congestion; that such congestion prevents the free flow of traffic in, through and from such cities, impedes the rapid and effective fighting of fires and disposition of police force, threatens irreparable loss in the values of urban property within said cities which can no longer be readily reached by vehicular traffic and endangers the health, safety and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by

provisions of sufficient off-street parking facilities; that adequate off-street parking facilities have not been provided and parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this act is hereby declared to be a public necessity. This act shall apply only to such cities.

Section 2. Definitions. When used in this act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Authority" means a public corporation organized pursuant to the provisions of this act.

"Authorizing subdivision" means any city in this state having a population of not less than 22,000 nor more than 25,000, according to the most recent federal decennial census.

"Board" means the board of directors of the authority.

"Bond" means any bond authorized to be issued pursuant to the provisions of this act.

"Coupon" means any interest coupon evidencing an installment of interest payable with respect to a bond.

"Director" means a member of the board of directors of the authority.

"Indenture" means a mortgage, an indenture of mortgage, deed of trust, trust agreement, or trust indenture executed by the authority as security for its bonds.

"Parking facility" means any building, structure, land, right-of-way, equipment or instrumentality used or useful in connection with the construction, enlargement, development, maintenance or operation of an area or building for off-street parking of motor vehicles, or in connection with the exercise of any power of the authority.

Section 3. Authority and Procedure to Incorporate. Pursuant to the provisions of this act, parking authorities may be organized as public corporations with the powers herein set forth. To organize such a corporation, not less than three natural persons shall file with the governing body of any city having a population of not less than 22,000 nor more than 25,000, an application in writing for permission to incorporate a public corporation under the provisions of this act and shall attach to such application a proposed form of certificate of

incorporation for such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate the authority as a public corporation in the manner hereinafter provided, using for that purpose the form of the certificate so approved.

Section 4. Contents of Certificate of Incorporation. The certificate of incorporation of the authority shall state: (a) the names of the persons forming the authority together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the city; (b) the name of the authority (which name shall include the words "PARKING AUTHORITY"); (c) the period for the duration of the authority (if the duration is to be perpetual that fact shall be so stated); (d) the names of the authorizing subdivision together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the authority; (e) the proposed location of the principal office of the authority, which shall be within the boundaries of the authorizing subdivision; (f) a statement as to whether employees of the authority shall or shall not be subject to civil service laws, retirement laws, and disability laws applicable to employees of the authorizing subdivision, which may be then in effect or thereafter enacted; and (g) any other matters relating to the authority that the incorporators may choose to insert and that is not inconsistent with this act or with the laws of the state.

Section 5. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds and shall have attached thereto a certified copy of the resolution provided for in Section 3 hereof and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the authority referred to therein shall come into existence and

shall constitute a public corporation, under the name set forth in such certificate of incorporation, whereupon the authority shall be vested with the rights and powers herein granted.

Section 6. Board of Directors of the Authority. The authority shall be governed by a board of directors of five or more members. The city governing body shall appoint the members of the board of directors. No officer of the state or any county, city or town therein shall, while holding such office, be eligible to serve as a director. The term of office of each director shall be four years. If any director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be appointed in the manner prescribed hereinabove. Directors shall be eligible for reappointment. The members of the board of directors shall elect one of their members to serve as chairman.

A majority of the members of the board of directors shall constitute a quorum for the transaction of business but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present by a single director if such director is the only directo present at such meeting. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the authority. The board of directors shall hold regular meetings on the second Tuesday in each month, and at such other times as may be provided in the by-laws of the authority; and such board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the authority or any two directors, a special meeting of the board must be held. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the authority, recorded in a well bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things therein certified. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director shall also be compensated by the authority in an amount not to exceed $20.00 per month, at a rate authorized by the board and by the certificate but not to exceed $10.00 for each board meeting attended by him. Any director of the authority may be im-

peached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

Section 7. Officers of the Authority. The officers of the authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the board shall deem necessary to accomplish the purposes for which the authority was organized. The chairman, vice-chairman and secretary of the authority shall be elected by the board from its membership, but neither the treasurer nor any of the other officers of the authority need be a member of the board of directors. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary of the authority shall be elected by the board for a term of one year, and the treasurer and the other officers of the authority shall be elected by the board for such term as it deems advisable. Subject to the provisions of its certificate of incorporation, the authority shall have also the authority to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the board. The duties of any other officer of the authority shall be such as are from time to time prescribed by the board.

Section 8. Powers of the Authority — in General. The authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and actions; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or mixed, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it; (6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this act or the exercise of any powers granted hereunder; (7) to plan, establish, develop, acquire, lease, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; (8) subject to approval of the governing body of the authorizing subdivision,

to lease or let such facilities or any one or more of them to such tenant or tenants, for such term or terms, at such compensation or rental and subject to such provisions, limitations and conditions as the authority may require or approve; (9) to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; (10) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (11) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the authority was organized; (12) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the authority may require, including the power to fix working conditions by general rule and other conditions of employment and, subject to the provisions of the certificate of incorporation of such authority, the power at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will; (13) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility or other property owned or controlled by the authority; (14) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the authority; (15) to secure such insurance, including use and occupancy insurance and liability insurance, as the board may deem advisable; (16) to invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of the state or any county, city or town therein; (17) to cooperate with the state, any county, city, town, public corporation, agency, department, or political subdivision of the state, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the authority was established; (18) subject to the approval of the governing bodies of the authorizing subdivisions, to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful; and (19) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, and from the state, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and (20) to purchase equipment and supplies necessary

or convenient for the exercise of any power of the authority. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or held by railroads or utilities, both public or private.

Section 9. Leases of Parking Facilities. In the event the board of directors of the authority determines that it is in the best interest of the authority to lease one or any number of its parking facilities, such authority shall by published notice invite the submission of bids for the lease and operation of said facility by the highest satisfactory bidder. The notice of the invitation for such bids shall be published at least once a week for three successive weeks preceding the date required for submission of bids, in a newspaper of general circulation in the county in which is located the principal office of the authority. Said published notice shall set out such terms, provisions, and conditions for the lease of the facility as the board may deem necessary or desirable to be included in the lease agreement. The board shall have the power to reject all bids in the event no bid is received which conforms to the provisions, terms and conditions set out in the published notice provided for hereinabove, but in that event the authority shall promptly advertise, in the manner prescribed hereinabove for new bids to be submitted not more than three months after the date prescribed for the original submission. Prior to leasing any such parking facility, the board must determine and find the following: (1) The amount necessary in each year to pay the principal of and interest on any bonds of the authority issued hereunder or proposed to be issued hereunder to finance the acquisition and construction of said facility; (2) the amount necessary to be paid each year into any reserve funds which the board may deem it advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility; and, unless the terms under which said facility is to be leased provided that the lessee shall maintain said facility and carry all insurance (including liability insurance) deemed proper by the board with respect thereto; (3) the estimated cost of maintaining said facility in good repair and securing such insurance. The agreement for the lease of any such parking facility by an authority hereunder shall provide for payment of rentals, based on such findings and determinations, as are sufficient (a) to pay the principal of and interest on any bonds of the authority issued hereunder to finance the acquisition and construction of that facility, (b) to build up and maintain any reserves deemed by the board to be advisable in connection therewith, and (c) unless the agreement of lease provides that the lessee shall maintain and carry all insurance (including liability insurance) deemed proper by the board with respect to said facility, to pay the

cost of maintaining said facility in good repair and paying for such insurance. The lease agreement may, at the discretion of the board, contain provisions prescribing minimum operating hours, maximum charges to be collected by the operator, and other terms to be observed by the lessee.

Section 10. Federal and State Aid. The authority is hereby authorized to accept, receive, receipt for, disburse and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this state, and all state moneys accepted under this section shall be accepted and expended by the authority upon such terms and conditions as are prescribed by law.

Section 11. Cooperation. For the purpose of aiding and cooperating with the authority in the planning, development, undertaking, construction, extension, improvement or operation of parking facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine:

(a) Lend or donate money to the authority;

(b) Donate, transfer, assign, sell or convey to the authority any right, title or interest which it may have in any lease, contract, agreement, license or property;

(c) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking construction, acquisition or operation of parking facilities.

Section 12. Bonds of the Authority. Subject to approval of the governing body of the authorizing subdivision, the authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on all such bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the authority from the operation of any or all of its parking facilities and other property. None of the bonds issued or contracts entered into by the authority shall ever constitute or create an obligation or debt of the state, or of any county, city or town within the state, or a charge against the credit or taxing powers of the state, or of any county, city

or town within the state. Bonds of the authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the state, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this act and as may be provided in the proceedings of the board wherein the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall be made subject to the redemption at the option of the authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the board wherein it is authorized to be issued. Bonds of the authority may be sold at public or private sale in such manner and from time to time as may be determined by the board. The authority may pay all reasonable expenses, premiums, fees and commissions that the board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this act. Neither a public hearing nor consent of the State Department of Finance shall be prerequisite to the issuance of bonds by any authority. Notwithstanding the fact that they are payable solely from a specified source, all bonds issued under the provisions of this act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the state if they otherwise possess all the characteristics of negotiable instruments under the laws of the state.

Section 13. Execution of bonds. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be assigned by the chairman or vice-chairman and the secretary or treasurer of the authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such interest coupons in lieu of

their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 14. Security for Bonds. In the discretion of the authority any bonds may be issued under and secured by an indenture between the authority and a trustee. Said trustee may be a private person or corporation, including but not limited to any trust company or bank having trust powers, whether such bank or trust company is located within or without the state. In any such indenture or resolution providing for the issuance of bonds the authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, the authority may with the approval of the governing body of the authorizing subdivision mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county in which is located the principal office of the authority. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its parking facilities, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenues due to or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building or structure owned by the authority, the creation and maintenance of special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under

the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this act. If there be any default by the authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holder of the bonds and coupons.

Section 15. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the parking facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such facilities; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the facilities; the cost of landscaping the lands forming a part of such facilities and of constructing and installing roads, sidewalks, curbs, gutters and utilities in connection with the facilities; legal, fiscal and recording fees and expenses incurred in connection with such facilities; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding eighteen months after completion of such construction and equipment. If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of the bonds of the same issue.

Section 16. Refunding Bonds. The authority may at any time and from time to time issue refunding bonds for the pur-

pose of refunding the principal of and the interest on any bonds of the authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to bonds of the authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the authority. The authority may at any time and from time to time issue bonds for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to the portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 17. Exemption from Taxation. The bonds issued by the authority and the income therefrom shall be exempt from all taxation in the state. All property and income of the authority shall be exempt from all state, county, municipal and other local taxation; provided, however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of or on any parking facility owned by any authority from the payment of any taxes, including licenses or privilege taxes levied by the state, the county or any municipality in the state.

Section 18. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this state is authorized in its discretion to invest in bonds of the authority any idle or surplus money held in its treasury.

Section 19. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this act are hereby

made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such bonds shall be legal investments for savings banks and insurance companies organized under the laws of the state.

Section 20. Notice of Bond Resolution. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this state not less than five days in each calendar week and distributed in the county in which is located the principal office of the authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the authority: "....., a public corporation of the State of Alabama, on the day of, ... authorized the issuance of $..... principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 21. Contracting and Purchasing Restrictions. Laws, regulations and ordinances relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the authorizing subdivision shall be applicable to any authority granted permission to incorporate by said authorizing subdivisions. Nothing herein shall exempt such authorities from laws relating to surety bond requirements for such contracts. The board of directors of the authority shall make

annual reports to the governing body of the authorizing subdivision and the books, records, and accounts of the authority shall be audited annually or at such other times as the city governing body may direct.

Section 22. Suits against the Authority or any Director. No action or suit shall be brought or maintained against the authority or any director thereof, for or on account of the negligence of such authority or director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any public transit system or other facility owned or controlled by the authority.

Section 23. Dissolution of Authority. At any time, when no bonds of the authority are outstanding, the authority may be dissolved upon the filing with the Judge of Probate, in the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the board and sworn to by each member before an officer authorized to take acknowledgements to deeds. Upon the filing of such application for dissolution, the authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interest of the authority in property shall be vested in the authorizing subdivision.

Section 24. Provisions are Cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 25. Severability Clause. In the event any section, sentence, clause or portion of this act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 26. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 448 H. 109—Turnham, Higginbotham

AN ACT

To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to

the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Be It Enacted by the Legislature of Alabama:

Section 1. The city board of education of all cities having a population of not less than 22,000 nor more than 25,000 according to the last of any subsequent federal decennial census may upon request of the city governing body, assume the responsibility for operating community education, park and recreation programs. Such programs may be conducted in any location that said city board of education deems desirable and may be for the benefit of all bona fide residents of said city of any age.

Section 2. Any permanent employees shall be hired by the city board of education and shall be eligible to come under the teacher retirement plan.

Section 3. Any funds that are to be used for the operation of the community education or park recreation programs or facilities shall be kept separate and apart from other funds handled by the board of education; and a separate accounting shall be made of such funds.

Section 4. Either the city or the city board of education may own legal title to all real property that is used for the community education or park and recreation programs that are instituted by the city board of education.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 449 H. 125—Sasser

AN ACT

To further amend Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended, relating to the boards of registrars in any county, having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census, so as to further regulate the compensation of its members; to give this act retroactive effect; and to repeal specifically Act No. 908, Regular Session 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 1856, H. 2614, Regular Session 1971 (Acts 1971, p. 3012), as amended relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census is hereby amended to read as follows:

"Section 2. Each member of the board shall receive ten dollars per day to be paid by the county, to be disbursed on order of the judge of probate for each day's attendance of the registrar upon the regular sessions of the board. For each visit to the senior high schools each member of the board shall receive twenty dollars per day to be paid by the county to be disbursed on order of the judge of probate.

"When approved by a majority vote of the county commission, members of the board of registrars may have their expenses paid to attend state and national association meetings."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed and Act No. 908, Regular Session 1975, is hereby expressly repealed.

Section 3. The operation of this act shall be retroactive to October 7, 1975, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 450 H. 264—Manley

AN ACT

To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 446, H. 228, 1957 Regular Session of the Legislature [Act of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund

for each county composing the circuit, and providing for the expenditure and use thereof" is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 451 H. 294—Lockett

AN ACT

Relating to Dallas County; to provide further for the conduct of elections in Dallas County wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Dallas County.

Section 2. Unless a contrary intent appears from the context, as used herein, the phrase "county governing body" means the court of county commissioners, board of revenue, or other like governing body of Dallas County; the word "election" means any general, special, or primary election held in the county, including a district, municipal, county, state, or federal election; and the term "voting center" means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

Section 3. (a) Subject to the provisions of subsection (b), when the use of voting machines at elections in the county has been, or shall hereafter be authorized, the county governing body of the county shall have the authority to designate a voting center or voting centers in the county. The order so designating voting centers shall state (1) the location of the voting center and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting center. A copy of this order shall be posted at the courthouse door. The limitations prescribed by law as to the number of

electors who may reside in a voting district shall not apply to a territory designated hereunder. All of the territory designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the territory. The county governing body may by order abolish a voting territory and discontinue the voting center therein or may extend or restrict the boundaries of such voting territory and retain the voting center therein, or may subdivide such voting territory and designate an additional voting center therein. (b) Except as herein expressly provided, in designating voting centers and the territory for which they were established, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940, as amended.

Section 4. (a) The voting list of any territory which is furnished the election officers serving at the voting center designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twenty-four hundred names the list of qualified electors of roll shall be divided into alphabetical sections of not more than twenty-four hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication and checking of qualified lists shall apply to the poll list of a territory for which a voting center has been established by the county governing body pursuant to authority hereby conferred. (b) No elector shall vote at any voting center other than the voting center of the territory of which he is a qualified elector, but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

Section 5. The county governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consdieration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting center designated for said territory. At least twenty days prior to the time when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forthcoming election; and the officers whose

duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body, will be maintained.

Section 6. (a) For each voting center where only one voting machine is to be used, the election officials shall consist of an inspector, a chief clerk and two assistant clerks. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where four or more voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines or fraction theref. (b) The election officers provided for herein shall be appointed by the same officers that appoint other election officers. They shall perform all duties imposed on election officers by the general law and in addition thereto the following duties: one of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified electors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words "voter identification card", and they shall contain a space in which shall be entered the signature of the election officer who delivers the card to the elector. The identification cards shall bear neither a number nor the name of a voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid. (c) The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials. Poll list shall be signed or the name of the voter recorded as provided in Act No. 201 approved July 16, 1953, Section 175(1) Title 17 Code of Alabama 1940. (d) The chief inspector, inspector or chief clerk and no less than two assistant clerks shall certify on each statement of canvass form the certificates as provided in Sections 102 and 112, Title 17, Code of Alabama. The chief inspector, inspector or chief clerk shall certify on each statement of canvass form the total number of votes cast on all machines at the voting center and the total number of electors'

names recorded on the poll lists at such voting center. Election officers provided for by this act shall be compensated for their services in the same manner and at the same rates provided by law for election officers where voting machines are used. (e) It shall be the duty of all election officials to see that order is maintained in the polling place. The inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine, and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in an appropriate voting machine.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this act shall be supplemental to other laws regulating the designating of voting places and the division of voting precincts into voting districts and shall be construed in pari materia with such laws but such provisions of these laws as conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 452 H. 304—Quarles

AN ACT

Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable

in all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census.

Section 2. In such counties, all regular and temporary bailiffs shall be entitled to compensation at the rate of $15 per day and 15¢ per mile for each mile traveled in the performance of their duties, which shall be paid out of the county treasury from funds not otherwise appropriated.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 453 H. 441—Sasser, Williams

AN ACT

To repeal Act No. 331, H. 808, as amended, Regular Session 1965 (Acts 1965, p. 460), relating to the expense allowance of coroners in all counties having populations of not less than 52,500 nor more than 54,000.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 331, H. 808, as amended, Regular Session 1965 (Acts of 1965, p. 460), relating to the expense allowance of coroners in all counties having a population of not less than 52,500 nor more than 54,000 is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 454 H. 446—Campbell, Manley

AN ACT

Relating to Sumter County; providing for an increase in the compensation of the members of the board of equalization, and to provide for the method of payment of said compensation by the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Sumter County is hereby empowered to increase the compensation of all members of the board of equalization so that the per diem compensation of said members shall not exceed a rate of twenty dollars ($20.00) for each day during which said board shall be discharging such duties as are prescribed by the laws of the State of Alabama.

Section 2. Any such increase in the compensation of the members of the Sumter County board of equalization shall be made by the county governing body and shall be paid out of the county general fund in equal monthly installments.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 455 H. 503—Smith (M), Turnham, Higginbotham, Morris

AN ACT

Relating to Chambers County; providing total compensation for members of the jury commission and for the secretary of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the jury commission of Chambers County shall be paid a total compensation of $800.00 per annum. This compensation shall be in lieu of any and all other salary, compensation and expense allowances provided for by law.

Section 2. The secretary to the jury commission shall be paid a total compensation of $800.00 per annum. This compensation shall be in lieu of any and all other salary, compensation and expense allowances provided by law.

Section 3. All compensation provided for under this act

shall be paid in equal monthly installments out of the county treasury as other salaries of county officers are paid.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed, and all laws or parts of laws which provide for the compensation and expense allowances of members of the jury commission and secretary to the jury commission in Chambers County are hereby specifically repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective October 1, 1976.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 456 H. 579—Clark, Manley

AN ACT

Relating to all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Alcoholic Beverage Control Board may in its discretion grant permits to licensed retailers to sell or dispense draft or keg beer or malt beverages anywhere within all counties having populations of 10,660 or less according to the 1970 or any subsequent federal decennial census. The provisions of Code of Alabama 1940, Title 29, Section 34 to the contrary notwithstanding, the board may revoke any such permit so granted if, in the judgment of the board, the sale of draft or keg beer or malt beverages in the community is prejudicial to the welfare, health, peace and safety of the people of the community or of the state.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 457 H. 603—McMillan, Kinsey

AN ACT

Relating to any counties having a population of not less than 57,000 nor more than 61,000; creating a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in such counties should remain under the supervision and control of the State Highway Department or should revert back under the supervision and control of the county governing body and providing that the provisions of this act shall be retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in counties having a population of not less than 57,000 nor more than 61,000 should remain under the supervision and control of the State Highway Department, or should revert back under the supervision and control of the county governing body. The committee shall also study any other related matters of county government. The committee shall consist of five members. The county governing body shall appoint three (3) members, the county's legislative delegation shall appoint Three (3), members, and the county's legislative delegation shall be ex officio members of the committee. Appointments to the committee shall be made within ten days after passage of this act. The committee shall elect a chairman from its membership.

Section 2. The county governing body shall furnish meeting space, clerical help, and spend any funds necessary to furnish consultants or other such counsel as needed by the committee to obtain the information it needs and shall reimburse the committee members for all actual and necessary travel expenses incurred in the performance of their duties.

Section 3. The committee shall make periodic reports of its finding and recommendations to the county governing body and to the county's legislative delegation.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of law which conflict with this act are repealed.

Section 6. The provisions of this act shall be retroactive to November 10, 1975.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 458 H. 604—McMillan, Kinsey

AN ACT

To amend Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts 1971, Vol V, p. 3917), as amended, entitled "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to provide that all office space and supplies, equipment, forms, stationery, stamps, and utilities shall be furnished by the county governing body; to provide that the provisions of this act shall be retroactive to January 1, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 2452, H. 2798 of the 1971 Regular Session (Acts, 1971, Vol V, p. 3917), as amended, is hereby amended so as to read as follows:

"Section 11. Office Space and Supplies, Equipment and Utilities: The governing body of the county in which said court is located shall supply and furnish sufficient office space and supplies, postage, stationery, forms and utilities to enable the court to perform the functions herein described."

Section 2. The provisions of this act shall be retroactive to January 1, 1975.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 459 H. 670—Holley, Folmar

AN ACT

To amend Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", so as to provide further for the disposition and use of such fees; and to give this act retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1053, H. 1504, 1971 Regular Session (Acts of 1971, p. 1901), entitled "An Act Relating to law enforcement in any County with a population of not less than 34,100 nor more than 34,900 according to the 1970 decennial census; fixing the fee for the issuance of pistol permits; and providing for the deposit of such fees in the county general fund", is hereby amended to read as follows:

"Section 1. In all counties having populations of not less than 34,100 nor more than 34,900, according to the 1970 decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in the Code of Alabama 1940, Title 14, Section 177, shall be five dollars, which shall be collected by the sheriff.

"Section 2. Four dollars ($4.00) of each fee collected under Section 1 of this Act shall be paid into the county treasury of such county and the remaining one dollar ($1.00) of each fee shall be deposited by the sheriff of such county in any bank located in the county, into a fund known as the sheriff's fund.

"Section 3. The sheriff's fund provided for in Section 2 of this Act shall be drawn upon by the sheriff of the county or his appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the sheriff's office as he sees fit.

"Section 4. The sheriff shall be held accountable to the county commission or other like governing body of such county and shall file a monthly report of fees collected and disbursed under this Act.

"Section 5. The establishment of the sheriff's fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

"Section 6. All laws or parts of laws which conflict with this Act are repealed.

"Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains."

Section 2. The operation of this Act shall be retroactive to November 1, 1974, and all actions taken and payments made pursuant thereto on and after that date are ratified and confirmed.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 460 H. 671—Holley, Folmar

AN ACT

To amend the title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) entitled "An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation," so as to delete the circuit clerk from the provisions of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 2 of Act No. 103, H. 16, 1975 Fourth Special Session (Acts of 1975, p. 2784) are hereby amended to read as follows:

"An Act Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, and the tax collector on a salary basis of compesation.

"Section 2. The following county officers of such counties shall receive the following annual salaries:

Probate Judge	$23,000.00 per year
Tax Assessor	18,000.00 per year
Tax Collector	18,000.00 per year

"The salaries hereinabove provided shall be payable in equal monthly installments from the general fund of such counties and shall be paid in lieu of any salaries, expense allowances, or other compensation heretofore prescribed by law for such officers, provided that the probate judge's salary shall have an annual raise of $500.00 for the next four years up to a limit of $25,000 annually."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 461 H. 683—Hill, Greer

AN ACT

Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal

decennial census; setting the salary of the clerk of the jury commission in such counties, retroactive to March 1, 1975, payable out of the funds of the county treasury.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. The clerk of the jury commission in such counties shall receive the sum of twenty dollars ($20.00) per day for the time actually engaged in the discharge of the official duties as clerk, to be paid out of the county treasury upon warrant of the probate judge of the county. Such warrants shall be issued by such probate judge upon evidence satisfactory to him that such service has been rendered. The total compensation for the clerk of the jury commission shall not exceed twelve hundred dollars ($1200) for any one year of his term.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act is retroactive to March 1, 1975.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 462 H. 706—Owens

AN ACT

To further amend Section 257, Title 13, Code of Alabama 1940, as amended, which fixes the compensation of the deputy district attorney of certain counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 257 of Title 13, Code of Alabama 1940, as amended, is amended further to read as follows:

"Section 257. Unless otherwise provided by a local law, the deputy district attorney of the county shall be paid by the county an annual salary of twelve hundred dollars ($1,200.00), on the warrant of the probate judge, which salary shall be in lieu of all fees or compensation heretofore allowed by law to such deputy district attorney; provided, that in each county where a circuit or county court is held at more than one place

in the county, the deputy district attorney shall receive an annual salary of fifteen hundred dollars ($1,500.00) that in Macon, Marengo, Elmore, Coffee, Covington, Chambers, DeKalb, Colbert, Dallas, and Morgan Counties, the deputy district attorney shall be paid by the county an annual salary of eighteen hundred dollars ($1,800.00), in Geneva, Etowah, Tuscaloosa, and Winston Counties the deputy district attorney shall be paid by the county an annual salary of three thousand dollars ($3,000.00), and in Bibb and Barbour Counties the deputy district attorney shall be paid by the county an annual salary of six thousand dollars ($6,000.00) per year."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 463 H. 707—Smith (M), Higginbotham, Turnham

AN ACT

Relating to Chambers County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

Be It Enacted by the Legislature of Alabama:

Section 1. In Chambers County the sheriff may execute orders to summons jurors, subpoena witnesses, give notice of appointment of election official, or give notice of tax liens by registered mail, or he may execute such orders or give such notice as otherwise prescribed by law. It shall be the duty of the sheriff of the county to enclose the summons, supoena or official notice of tax lien or of appointment as an election official in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside the county. In the event said jury summons, subpoena or official notice is returned to the sheriff by the Post Office Department of the United States without delivery the summons, subpoena or official notice shall be by the sheriff returned NOT FOUND. All jury summonses, subpoenas, or official notices not returned to the sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section in reference to service by mail shall not apply, however, to jury summonses, subpoenas or official notices returnable before the court instanter; such summonses,

subpoenas or official notices shall be served only as otherwise provided for by law, notwithstanding this act.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 464 H. 786—Kinsey

AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Parcel 1: Commence at the Southeast corner of Section 5, Township 9 South, Range 4 East, Baldwin County, Alabama, for the point of beginning, and which point is also located on the West right-of-way line of public right-of-way identified on a Plat of GULF SHORES ACRE TRACTS Subdivision (recorded in Map Book 4, Pages 12 & 13, Baldwin County Probate records) as "Highway Alabama #3); run thence northwardly) along and with said West right-of-way line (and also along the East lines of Lots 1 through 29 of said Gulf Shores Acre Tracts Subdivision) to the Northeast corner of Lot 29 of Gulf Shores Acre Tracts Subdivision; turn thence to the left and run Westwardly, along and with the North line of said Lot 29 a distance of 300 feet to the Northwest corner of said Lot 29, continue thence westwardly along an extension of said North line a distance of 60 feet to a point on the West right-of-way line of

an un-named street shown on plat of said Gulf Shores Acre Tracts Subdivision and which point is also located on the East line of Lot 34 of said subdivision; turn thence to the left and run Southwardly, along and with said West right-of-way line a distance of 150 feet, more or less, to the Southeast corner of said Lot 34; turn thence to the right and run Westwardly along the South line of said Lot 34 a distance of 300 feet to the Southwest corner of said Lot 34, and which point is also located on the East right-of-way line of "West Street," as shown on plat of said Gulf Shores Acre Tracts; turn thence to the left and run Southwardly, along and with the East right-of-way of said West Street a distance of 720 feet, more or less, to the Northwest corner of Lot 37 of said Gulf Shores Acre Tracts Subdivision, and which point is also located on the South right-of-way line of a public right-of-way identified on plat of Gulf Shores Acre Tracts Subdivision as "Eighth Street"; turn thence to the left and run Eastwardly, along and with the South right-of-way line of said Eighth Street to the Northeast corner of said Lot 37, and which point is also located on the West right-of-way line of above referenced un-named street; turn thence to the right and run Southwardly, along and with said West right-of-way line (and also along the East lines of Lots 37, 38, 39, 40, 41, 42, 43 and 44, Gulf Shores Acre Tracts Subdivision) to a point on the South line of Section 5, Township 9 South, Range 4 East; turn thence to the left and run Eastwardly, along and with the South line of said Section 5 to the Southeast corner of said Section 5, and which point is also the point of beginning.

The above metes and bounds description includes all of the following platted or subdivided property:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 35 and 36, GULF SHORES ACRE TRACTS Subdivision, Gulf Shores, Alabama, recorded in Map Book 4, Pages 12 and 13, Baldwin County Probate records.

Parcel 2: All of Lots 31 and 32, GULF SHORES ACRE TRACTS SUBDIVISION, recorded in Map Book 4, Pages 12 and 13, Baldwin County Probate records.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 465 H. 787—Kinsey

AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Parcel 1: Commence at the Southeast corner of Section 32, Township 8 South, Range 4 East, Baldwin County, Alabama, run thence Northwardly, along and with the East line of said Section 32, a distance of two hundred fifty (250') feet to the Point of Beginning; run thence Northwardly along the said East line of Section 32 to the Northeast corner of said Section 32, turn thence to the left and run Westwardly, along and with the North line of said Section 32, to the Northwest corner of the Northeast Quarter of the Northeast Quarter of said Section 32, turn thence to the left and run Southwardly, and parallel with the East line of said Section 32 to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 32, turn thence to the left and run Eastwardly, along and with the South line of said Section 32 to a point which is five hundred twenty (520') feet West of the East line of said Section 32, turn thence to the left and run Northwardly, and parallel with the East line of said Section 32, a distance of two hundred fifty (250') feet to a point; turn thence to the right and run Eastwardly, and parallel with the South line of said Section 32, a distance of 520 feet to a point on the East line of said Section 32, which is also the point of beginning.

Parcel 2: All of the North one-half of the Northwest Quarter of Section 33, Township 8 South, Range 4 East, Baldwin County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a "law."

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 466 H. 874—Sasser, Williams

AN ACT

To amend the title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), entitled "An Act To provide a salary for the coroner of Dale County, and to prescribe the manner of payment thereof," so as to increase the coroner's salary and provides an expense allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 212, H. 576, 1959 Regular Session (Acts of 1959, p. 751), relating to the coroner of Dale County are hereby amended as follows:

"An Act To provide a salary and an expense allowance for the coroner of Dale County, and to prescribe the manner of payment thereof.

"Section 1. The coroner of Dale County shall be entitled to receive a salary of fifty dollars ($50.00) a month, and shall be entitled to an allowance for expenses of an amount not to exceed seventy-five dollars ($75.00) a month which shall both be payable out of the general funds of the county treasury in equal monthly installments at the end of each month. The expense allowance provided for in this Act shall be in addition to any other allowance or compensation provided for by law."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 467 H. 875—Sasser

AN ACT

To increase the compensation of the Circuit Judges of the Thirty-Third Judicial Circuit who reside in Dale County by fixing a supplemental salary and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be paid to each circuit judge of the Thirty-Third Judicial Circuit, who resides in Dale County, as salary supplemental to that paid by the state, a sum in the amount of six thousand and no/100 dollars ($6,000.00) annually, payable in monthly installments out of the general funds of Dale County. Such supplemental incomes prescribed herein shall be in addition to any and all other salaries, compensation

and allowances payable pursuant to law to such judge by the State of Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 468 H. 880—Smith (C)

AN ACT

Relating to counties with populations of not less than 25,150 nor more than 26,500; to provide an additional monthly expense allowance for court reporters of county courts of Law and Equity in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in counties with populations of not less than 25,150 nor more than 26,500 inhabitants according to the most recent federal decennial census.

Section 2. The court reporter of the County Court of Law and Equity in each county to which this Act applies shall be entitled to receive an expense allowance of $100 per month, payable in monthly installments out of county funds. Said expense allowance shall be in addition to any and all salary or other expense allowance heretofore authorized by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 469 H. 899—Brindley, Jolly

AN ACT

Relating to all counties having populations of not less than 26,725

nor more than 27,250 according to the most recent federal decennial census; to provide further for the compensation and travel allowance of the chairman and members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in all counties having populations of not less than 26,725 nor more than 27,250 according to the most recent federal decennial census.

Section 2. The commissioners of the county commission in any county in which this Act applies shall be entitled to an additional salary of $150.00 per month payable on warrants drawn on the general fund in the county treasury. Such salary increase shall be in addition to any other compensation and allowance provided by law and shall be effective upon the expiration of the term of the current commissioners.

Section 3. The chairman and commissioners of the county commission in any county in which this Act applies shall be entitled to a travel allowance of $100.00 per month for expenses for travel about the county on county business. Such travel allowance shall be payable on warrants drawn on the general fund in the county treasury and shall be in lieu of any other travel and mileage allowance heretofore provided by law.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 470 H. 907—Manley, Clark

AN ACT

Relating to Hale County; providing for condemnation of any motor vehicle, gun, rifle, or other hunting equipment used in night hunting of deer in the county and providing for the disposition of the proceeds of the sale thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Any motor vehicle, or any gun, rifle, or other

hunting equipment customarily used in hunting deer, or any possession thereof upon the person or in any motor vehicle of any person who may be apprehended while engaging in hunting deer at night in Hale County shall be contraband and shall be forfeited to the State of Alabama. Such property may be seized by the sheriff of the county or by any other officer or person acting under authority of law in the enforcement of laws of this state, and the sheriff or such other officer or person shall report the seizure and the facts connected therewith to the solicitor or any other prosecuting official of the county, giving a full description of the vehicle or other equipment seized and detained, the name of the person in whose possession it was found, the name of the person making claim to the same or any interest therein if the name is known or can be ascertained, the date of seizure, and a statement of the circumstances connected with the apprehension of the person or persons whose property has been seized.

Section 2. In order to condemn and confiscate any of the property set out in section one of this act it shall not be necessary for the solicitor or other prosecuting authority to prove possession of deer killed in night hunting or that the hunter be apprehended in the actual act of killing deer but it shall suffice to prove possession upon the person or in any motor vehicle of such person of guns, ammunition, and other equipment normally used in hunting deer and the time, the place, and circumstances of the apprehension sufficient to support a conviction of the offense of night hunting of deer.

Section 3. Except as otherwise herein provided, the manner, the method and procedure for the forfeiture, condemnation and sale of any motor vehicles or hunting equipment seized under authority of this act shall be the same as that provided by law for the confiscation, condemnation, and sale of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported. Without limiting the generality of the foregoing sentence, the provisions of Code of Alabama 1940, Title 29, Sections 248 and 249 shall apply.

Section 4. The proceeds of the sale of any property condemned and forfeited to the state under authority of this act, after payment of all expenses in the cause, including the cost of seizure and a keeping of the property pending the proceedings, shall be paid into the state treasury to the credit of the state conservation fund.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such

declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 471 H. 1044—Warren

AN ACT

Relating to Conecuh County; providing for a monthly expense allowance for the members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member and the chairman of the governing body of Conecuh County shall be entitled to a monthly expense allowance of $200.00 per month. The said allowance shall be in addition to any salaries and expense allowances which may be provided for such persons by existing law and shall be payable monthly from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 472 H. 1126—Starkey, Lutz

AN ACT

Relating to all counties having a population of not less than 38,100, nor more than 40,500, according to the most recent Federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for such County, and levying a "law library fee" tax.

Be It Enacted by the Legislature of Alabama:

SECTION I. In all counties having a population of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census, the governing body shall establish and maintain a public law library in the County and may expend public funds, not otherwise appropriated, to provide suitable housing, quarters, furniture, fixtures and equipment for the library and to keep it in a good state of maintenance and repair; to expand, improve or add to the library, its facilities and equipment; to purchase such books and periodicals as may be needed from time to time; to pay the salaries of a librarian and such other personnel as may be necessary, in amounts and to the extent that such salaries and other expenditures as herein authorized are not paid from the proceeds of a special fund hereinafter created for the purpose of defraying costs of the operation of the library.

SECTION II. In each civil, or quasi-civil suit, at law or equity, criminal case, quasi-criminal case, proceeding on a forfeited bail bond, or proceeding on a forfeited bond on appeal from any inferior, district or municipal court to the Circuit Court, hereinafter filed in, or arising in, the Circuit Court or District Court or brought by appeal, certiorari, or otherwise to the Circuit Court or district Court of any such County, there shall be taxed as cost the sum or $2.00. The cost shall be collected as other cost are collected by the Clerk, or other Collection Officers of such Courts, and shall be designated the "Law Library Fee". Not later than the tenth day of each month such fees as have been collected during the preceding calendar month shall be paid into the County treasury to the credit of a special fund to be designated the County Law Library Fund.

SECTION III. The management of the County Public Law Library shall be vested in a committee consisting of five members. The Presiding Judge of the Circuit Court located in said County shall designate one Circuit Judge residing in the County, and one District Court Judge residing in the County, as members of the committee, and designate one of these as Chairman. The remaining three members of the committee shall be elected by the County Bar Association located in such County. All members shall serve for a term of one year, and until such time as their successors are selected. The management committee shall have full authority to purchase books and periodicals, and other materials, equipment and supplies, and to fix the salaries of such personnel as may, in the opinion of the committee, be advisable and, if circumstances permit, to designate Court officials to operate, or to assist in the operation of the library. The committee may also, from time to time,

sell, in such manner as it deems proper, or exchange any books, reports, periodicals and personal property, and apply the proceeds of the sale, or the value thereof, upon the purchase of other such books, reports, periodicals and personal property for the use of the library, or pay such funds into the Library Fund, and may, in its discretion, accept any gifts, or loan, of such items, upon terms and conditions stipulated by the donor or lender. The management committee shall have full authority to execute contracts in connection with the operation of the Law Library which may create obligations constituting a proper charge payable from the County Law Library Fund and shall not thereby obligate the individual members of the committee, and may pay any debts heretofore legally incurred for the benefit of the County Law Library.

SECTION IV. Expenditures from the County Law Library Fund shall be made on orders of the Chairman of the Library committee, and no further authority or approval shall be required for such expenditures. All books, periodicals and other property of the County Law Library shall be the property of such County, but shall be disposed of only by the Committee. Any money remaining unincumbered in any County Stenographer Fee Fund, in the treasury of any such County, or in the hands of any Circuit or County Clerk, or in the fund created by Act No. 785, 1973 Regular Session, in such County on January 16, 1977 shall be transferred to the County Law Library Fund established hereby to be used for the purposes authorized herein.

SECTION V. All laws or parts of laws which conflict with the provisions of this act are repealed, and the cost provided for herein of $2.00 per case, shall be in lieu of, and not in addition to, the cost of $1.00 per case provided in Act No. 785 of the 1973 Regular Session of the Legislature of Alabama.

SECTION VI. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION VII. This Act shall become effective January 16, 1977.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 473 H. 1127—Kinsey

AN ACT

To alter or rearrange the boundary lines of the Town of Gulf Shores,

Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Gulf Shores, and, in addition thereto the following described territory, to-wit:

Commence at the Northwest corner of the Northeast quarter of Section 5, Township 9 South, Range 4 East from the point of beginning; run thence Eastwardly along and with the North line of said Section 5 a distance of 429 feet to a point; turn thence to the right and run Southwardly, and parallel with the East line of said Section 5 a distance of 1,326.25 feet, more or less, to the quarter section line; turn thence to the right and run distance of 429 feet to a point; turn thence to the right and run Northwardly, and parallel with the East line of said Section 5, a distance of 1,326.25 feet, more or less, to a point on the North line of said Section 5, which is also the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 474 H. 1182—Crawford, Reed, Folmar, Sasser

AN ACT

To amend Section 2 of Act No. 668, H. 918, 1967 Regular Session (Acts of 1967, p. 1493), entitled "To provide additional compensation for the official court reporter of the third judicial circuit," so as to eliminate the provision for the termination of such additional compensation and to give this amendment retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 668, H. 918, 1967 Regular Session (Acts of 1967, p. 1493), entitled "An Act To provide additional compensation for the official court reporter of the third judicial circuit," is hereby amended to read as follows:

"Section 2. This Act shall take effect immediately upon its enactment.

Section 2. The provisions of this Act shall be given retroactive effect to October 1, 1975.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 475 H. 1184—Hill, Greer, Coburn

AN ACT

To authorize each circuit judge of the Eleventh Judicial Circuit to appoint one full time bailiff, or in the alternative each to appoint two bailiffs for any session, or in lieu of these options, by the concurrence of each judge the presiding judge is authorized to appoint one law assistant and the circuit judge to appoint one additional bailiff; to regulate the duties and compensation of such bailiffs or law assistant; and to provide for the payment therefor from the county funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Each circuit judge of the Eleventh Judicial Circuit of Alabama, at his discretion, may appoint and employ a bailiff to serve as bailiff and perform such other duties as may be requested and assigned to him by the appointing circuit judge. Such bailiff shall serve at the pleasure of the appointing circuit judge and shall be paid a salary fixed by the appointing circuit judge not to exceed four hundred fifty dollars ($450.00) per month. Said salary shall be paid in equally monthly installments out of the county general fund upon certification of the appointing circuit judge.

Section 2. In the event any circuit judge of the Eleventh Judicial Circuit does not appoint a bailiff as authorized in Section 1 of this act, he shall alternatively be authorized to appoint not more than two other bailiffs to serve at any session of said court, jury or non-jury or grand jury. Such bailiff or bailiffs shall also perform such duties as the court shall direct. The maximum pay for each of the bailiffs whose appointment is authorized in this section shall be fixed by the judge appointing such bailiff in an amount not to exceed twenty-five dollars ($25.00) per day. The pay for such bailiff or bailiffs shall be payable from the county general fund upon certification of the circuit judge appointing said bailiff.

Section 3. In lieu of the options authorized in Sections 1 and 2 of this act, by agreement of both circuit judges of the Eleventh Judicial Circuit, the presiding circuit judge may appoint one law assistant who shall be a graduate of an accredited law school, who shall serve at the pleasure of the judges of

the circuit and whose duties shall include but not be limited to the following:

(a) Attending the courts of the circuit judges as bailiff and performing all duties generally performed by court bailiffs.

(b) Performing legal research for the two circuit judges or the district judge or district attorney as prescribed by the presiding circuit judge.

(c) Serving as the assistant law librarian of the county public law library, by performing all duties necessary and incident to the efficient operation of said library and as further prescribed by the presiding circuit judge.

(d) Performing such other duties as assigned by the presiding circuit judge which would further the efficient operation of the circuit and district courts of the Eleventh Judicial Circuit, including but not limited to assisting the judges of the circuit court, the judges of the district court, the district attorney's office, the probation and parole office.

Such law assistant shall be paid a salary not to exceed twelve thousand dollars ($12,000.00) per annum, with the exact amount to be fixed by the presiding circuit judge. Such salary shall be paid in equal monthly installments out of the county general fund upon certification of the presiding circuit judge.

In addition to the law assistant provided for in this section, the circuit judges jointly may appoint one additional bailiff who shall be paid an amount not exceeding twenty-five dollars ($25.00) per day.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 476 H. 1185—Hill, Greer, Coburn

AN ACT

To provide for the appointment of an investigator for the district attorney's office for the Eleventh Judicial Circuit; to prescribe his authority, powers and compensation; and to provide that the cost to implement the provisions hereof be paid from the funds of the county governing body comprising the said circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The district attorney for the eleventh judicial circuit is hereby authorized to appoint, with the concurrence of the county governing body, an investigator for such office. Such investigator may from time to time be appointed by the district attorney as he may deem necessary. Such investigator shall serve at the pleasure of the district attorney.

Section 2. The investigator shall have the same authority and powers vested in deputy sheriffs and all other law enforcement officers of the State of Alabama, and in addition thereto he shall be empowered to administer oaths and take testimony. He shall be responsible to the district attorney and shall perform all duties assigned to him by such official.

Section 3. Compensation of said investigator shall be a minimum of $12,000.00 and a maximum of $15,000.00 per year. Said salary shall be set by the district attorney, with the concurrence of the county governing body, and shall be paid from the general fund of the county comprising the eleventh judicial circuit.

Section 4. The governing body of the county in which such circuit is located may purchase, from the county general fund upon the application of the district attorney, for the use of such investigator equipment and supplies including an automobile, radio and other electronic equipment, which are necessary in the proper performance of his duties and pay for such other expenses which are reasonably necessary in the suppression of crime, the apprehension of criminals and the duties assigned to him.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 477 H. 1186—McCulley

AN ACT

To provide an additional expense allowance for members of the jury commission in all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 16,000 nor more than 16,250 inhabitants according to the 1970 or any subsequent federal decennial census, each member of the jury commission of such counties shall be entitled to an expense allowance of $10.00 per day for each day's attendance on sessions of the commission, to be paid out of the county treasury upon the warrant of the probate judge. Such allowance as herein provided, shall be in addition to all compensation, pay and allowances heretofore provided by law for such members.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 478 H. 1187—McCulley

AN ACT

Relating to any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census; authorizing and providing for an expense allowance for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of any county having a population of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census, is authorized and directed to pay from the general fund to the

sheriff of any such county $4,000 per year as an expense allowance. This allowance shall be in addition to the salaries and other allowances prescribed by law.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 479 H. 1188—Holley, Folmar

AN ACT

Relating to any county having a population of not less than 34,1000 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal decennial census; providing for a legal secretary to the circuit judge in any such county to be paid from the county treasury; providing for reimbursement to the circuit judge for salaries paid after September 1, 1976; providing for the purchase of furniture and equipment and prescribing the time during which this act shall be operative.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to any county having a population of not less than 34,100 nor more than 34,900 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. A legal secretary for the circuit judge residing in any such county shall immediately upon request of the judge and upon the recommendation of said circuit judge, be employed and shall receive a salary in the amount of eight thousand dollars ($8,000.00) per annum or in an amount equal to the prevailing rate in the county for legal secretaries, whichever is the greater. Such salary shall be paid from the county treasury in equal monthly installments from the effective date of this act until January 16, 1977 or until such time as the salaries for legal secretaries to circuit judges are paid from state funds.

Section 3. Any circuit judge to which this act applies, shall be reimbursed by the county governing body for any personal expenditures for the salary of a legal secretary paid by said circuit judge after September 1, 1976, as documented by expense vouchers signed by said circuit judge, provided however; that said personal expenditures by said circuit judge cannot exceed the salary provisions as set forth hereinabove.

Section 4. In the event the county governing body cannot employ a legal secretary for the circuit judge from the CETA program, such governing body shall be responsible for employing a legal secretary to the circuit judge until the jurisdiction of such employment lies with the state and the state provides such employee, provided however; that any such legal secretary employed under the CETA program for the circuit judge shall be paid the salary as set forth in Section 2 of this bill.

Section 5. The legal secretary employed under the provisions of this act, whether employed under the CETA program or otherwise, shall be qualified and shall be recommended for employment by the circuit judge residing in the county and by the circuit judge for which said employee will act and work as legal secretary. The county governing body will employ the legal secretary as recommended by the circuit judge for whom said legal secretary will work.

Section 6. Immediately upon the request of the circuit judge, for office furniture and equipment including legal typewriters and dictating equipment, and such other equipment as may be necessary for the operation of the office of the circuit judge, the county governing body shall provide such requested furniture and equipment paying for said furniture and equipment from the county treasury.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 480 H. 1189—Folmar

AN ACT

Relating to any county having a population of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal census; to provide for a secretary to the circuit judge in any such county to be paid from the county treasury; and to prescribe the time during which this act shall be operative.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. A secretary for the circuit judge residing in any such county shall, upon the request of the judge, be employed and shall receive a salary in the amount of $8,000.00 per annum, payable in equal monthly installments out of the county treasury.

Section 3. The provisions of this act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law, and shall cease to be operative on January 16, 1977.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 481 H. 1193—Turnham, Whatley, Higginbotham

AN ACT

To regulate the registration and identification of certain trailers in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census and prescribe penalty for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall be applicable in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Every person, firm, or corporation who owns, maintains, or keeps in such counties on or after October 1, 1976, a house trailer, except a house trailer which constitutes a part of his stock as a dealer and except a house trailer which has been assessed for ad valorem taxation as a part of the realty, shall pay an annual registration fee of three dollars ($3.00); and upon payment thereof such owner shall be furnished either an identification plate if such trailer is used primarily for over-the-road travel or a decal if such trailer is used primarily for off-the-road purposes which shall be designed by the state department of revenue and displayed on the trailer for which the registration fee was paid on or near the front entrance in such manner that it shall be readily ac-

cessible to the view of the license inspector. Such fee shall be paid to the judge of probate in such counties and shall be due, payable, and delinquent at the same times that motor vehicle licenses are due, payable, and delinquent. After payment of administrative expenses, including designer's fees, said judge shall distribute the proceeds of such registration fees at the same time and in the same proportions and under the same pains and penalties as the proceeds of motor vehicle license fees are distributed and said judge shall be entitled to the same commissions or allowances for so collecting and disbursing these registration fees as he receives for handling funds derived from issuing motor vehicle license tags in such counties.

Section 2. The owner of any house trailer who fails to pay the registration fee hereby provided for or who fails to display the identification plate or decal on such trailer, as required in Section 1 of this act, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

Section 3. The judge of probate in such counties and the state department of revenue are hereby empowered to promulgate and carry out all rules and regulations necessary to implement the provisions of this act.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 482 H. 1200—Smith (C)

AN ACT

Relating to Chilton County; to provide that the county engineer need not be a resident of Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any provision of law or any rule or regulation to the contrary notwithstanding, the county engineer of Chilton County need not be a resident of the county.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 483 H. 1206—Smith (J)

AN ACT

To provide further for the costs and charges in criminal cases; and to provide for a juvenile probation fund to finance a juvenile probation office in all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 21,000 nor more than 22,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. In addition to all other costs and charges in criminal cases in any court of all counties to which this act applies, a fee of $3.00 shall be charged and collected by the clerk of any such court. The monies derived from the charges hereinabove prescribed shall be remitted to a juvenile probation fund in the county treasury to be used to finance a juvenile probation office. The county governing body is hereby authorized to make expenditures from said fund to carry out the provisions and purposes of this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 484 H. 1228—Kinsey

AN ACT

To de-annex a certain piece of land from within the corporate limits of Gulf Shores, Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following described property, or any portion thereof, which is now within the corporate limits of the Town of Gulf Shores, Baldwin County, Alabama, is hereby deannexed and declared to be outside of the corporate limits of said town, viz:

Beginning at the point where the north line of Section 9, Township 9 South, Range 4 East, intersects the east line of Alabama Highway No. 3, which east line is 65 feet from the center line of said highway, running thence east along the north line of said Section 9, 1570 feet; running thence south on a line parallel with the east line of Alabama Highway No. 3, to the center line of the intercoastal Canal; running thence westwardly along said center line 1320 feet; running thence north on a line parallel with the east line of Alabama Highway No. 3, to a point 310 feet south of the north line of Section 9; running thence west on a line parallel with said north line of Section 9 to the east line of Alabama Highway No. 3; running thence north along said east line 310 feet to the point of beginning.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 485 H. 1233—Quarles

AN ACT

To authorize and provide for a referendum in certain counties classified on a population basis to determine the sentiment of the voters relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and the chairman of the commission; and to provide for filling the chairmanship of the governing body in the manner favored by the voters of the county at such referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties in this state having populations of not less than 27,900 nor more than 33,500 according to the 1970 or any subsequent federal decennial census in which the judge of probate is not ex officio a member and chairman of the county commission.

Section 2. The governing body of each county in which

this act applies shall order and provide for the holding of a referendum on the same day as the general election in 1976. The purpose of this referendum shall be to determine the sentiment of the voters of the county relative to whether the chairman of the county commission shall be elected or the judge of probate shall be ex officio a member and chairman of the commission. On the ballot to be used at the election the question shall be stated substantially as follows: Which of the following do you favor? (Check one only.)

1. The chairman of the _____(here fill in name of the county) County Commission shall continue to be elected as at present.

2. The judge of probate of _____ (here fill in name of the county) County shall be ex officio a member and chairman of the county commission.

If a majority of the votes cast at the election are for the first option above, then the provisions of this act shall have no further force or effect. If a majority of the votes cast in the election are for the second option above, then the following provisions of this act shall become effective. The results of the election, however, shall be certified by the judge of probate of the county to the secretary of state, who shall make a permanent record thereof.

Section 2. At the general election in 1982 a successor to the chairman of the county governing body shall not be elected. Upon the expiration of the term of the incumbent chairman of the county commission the judge of probate of the county shall immediately become a member and ex officio chairman of the county commission; and he shall perform all of the duties and have all of the authority theretofore vested by law in the chairman of the commission.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 486 H. 1240—Carothers, Crawford, Smith (J)

AN ACT

Relating to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census, regulating the compensation of election officials in such counties and providing for the method of payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 56,500 nor more than 59,000 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties the chief inspector shall receive twenty-three dollars ($23.00) per day and all other election officials shall receive twenty dollars ($20.00) per day for the performance of their official duties. The county governing body shall supplement the pay already provided for by general law with funds out of the county general fund sufficient to bring said pay up to the amount provided by this act.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 487 H. 1257—Manley, Pegues

AN ACT

Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census; providing that henceforth members of the county commission shall receive a monthly salary of $600 and a monthly expense allowance of $200.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 23,800 nor more than 23,925 according to the 1970 or any subsequent federal decennial census, each member of the county commission shall receive a salary of $600 per month and an expense allowance of $200 per month, and this shall be in lieu of all other salaries, allowances and compensation.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective October 1, 1976.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 488 H. 152—Folmar

AN ACT

To further regulate the clerk hire allowance of the circuit clerk in all counties having populations of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having populations of not less than 24,900 nor more than 25,150 according to the 1970 or any subsequent federal decennial census.

Section 2. The governing body of all such counties shall have the discretionary authority to provide the circuit clerk of said counties a clerk hire allowance not to exceed $3,000.00 per annum, said sum to be paid from the general fund of said counties.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 489 H. 602—Pegues, Edwards

AN ACT

Relating to Dallas County, to amend further Section 1, Act No. 11, S. 59, Regular Session 1959 (Acts 1959, p. 416), which act fixes the compensation of certain officers in said county, so as to provide further for the compensation of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 11, S. 59, Regular Session

1959 (Acts 1959, p. 416), as amended, is hereby further amended to read as follows:

"Section 1. The compensation of the Probate Judge, Tax Collector, Tax Assessor, Sheriff, Clerk and Register of the Circuit Court and members of the county governing body of Dallas County, Alabama, shall be as follows:

Probate Judge	$24,000
Tax Collector	$18,750
Tax Assessor	$18,750
Clerk and Register of the Circuit Court	$18,750
Each member of the county governing body	$ 7,800

"In addition to the compensation hereinabove fixed for members of the county governing body, each of said members shall be entitled to six hundred dollars ($600.00) per annum as an expense allowance, payable in equal monthly installments. This expense allowance is in addition to any expense allowance or reimbursement payable to said officers under any laws of the State of Alabama.

"Sheriff.—The sheriff shall receive an annual county supplement which, when combined with the prevailing state pay for sheriffs, shall be an amount sufficient to make the sheriff's total annual compensation $18,750.

"The salaries herein provided shall be payable in equal monthly installments from the county treasury."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 490 H. 618—Shelton, Holmes (D), Quarles

AN ACT

Relating to all counties having a population of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census; to direct the county commission of all such counties to set up a county-wide water authority; to give the water authority certain powers; to direct such authority to assist in the development of certain community water systems; and to provide for the cooperation of such water authority with certain boards and offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 95,000 nor more than 115,000 according to the 1970 or any subsequent federal decennial census.

Section 2. The county commission of any county to which this act applies may set up a county-wide water authority that complies with the provisions for authorizing such water authorities under Act No. 107, S. 2, as amended, 1965 Special Session (Acts of 1965, p. 132; now appearing in Code of Alabama, Recompiled 1958, Titled 50, Section 78), incorporating those provisions along with those contained in this Act but is not limited by this Act. The purpose of the authority is to foster cooperation between the water boards of the various municipalities and county governing bodies of water cooperatives, and that of community water authorities, and is allowed to execute contracts for purchase or sale of water between the county water authority and the water board of any municipality or of other authorities. It shall also assist in the planning, development and conservation of water resources in any such county to which this act applies. The authority shall cooperate with the county industrial development board of any such county, with the industrial development boards of any municipalities, with the Alabama Development Office, the Farmers Home Administration and other federal agencies and any state agencies that have to do with water planning and development.

Section 3. The water authority shall have the power to designate areas of operation for its own system. Such authority shall have the power to declare null and void any part of a water plan for extension of any system's services if a period of three years has expired as of the effective date of this act since publication of any such plan, and water lines have not been extended into the area contained in such plan. The water authority created by this act shall have the power to extend its operating and water extension plan and operations within any area formerly occupied by any operating and water extension plan of any water system, or the water authority may, in their discretion, have the power to allow another water system to develop water services within such areas. The water authority shall assist in the development of community water systems in areas too remote from any central water system, and shall encourage any such system to develop a system that can be easily tied into the system of the county water authority.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 491 H. 878—Folmar

AN ACT

Further regulating the liquor traffic in Pike County; authorizing the Alabama Alcoholic Beverage Control Board to permit the handling and sale in Pike County of "table wines," as herein defined and distinguished from "fortified wines," in manner similar to the procedure by which beer, malt or brewed beverages are now sold, levying a county tax on half-pints and miniatures of spirituous liquors and on table wines, the proceeds thereof to be used for capital outlay and maintenance purposes for schools in Pike County; and providing that this act shall be inoperative unless approved by a majority of the qualified electors of Pike County who vote thereon at a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Pike County.

Section 2. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

(a) "Board" means the Alabama Alcoholic Beverage Control Board.

(b) "Malt" or "brewed beverages," means any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percentum or more of alcohol by volume, by whatever name the same may be called.

(c) "Wine," vinous beverages," or vinous liquors" means all beverages made from the fermentation of fresh berries, grapes or other fruits, with or without added brandy, and produced in accordance with laws and regulations of the United States, containing not more than twenty-four percent alcohol by volume and includes all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouth and like products, including restored or unrestored pure condensed juice.

(d) "Manufacturer" means any person, association or

corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of liquor, alcohol and malt or brewed beverages or vinous beverages.

(e) "Municipality" means any incorporated city or town of this state, and its police jurisdiction.

(f) "Person" means every natural person, association, or corporation, whenever used in a clause prescribing or imposing a fine or imprisonment, or both, the term "person" as applied to "association" means the partners or members thereof and as applied to "corporations" means the officers thereof, except as to incorporated clubs the term "person" means such individual or individuals who, under the bi-laws of such clubs, shall have jurisdiction over the possession and sale of liquor therein.

(g) "Beer wholesaler, distributor or jobber," means and includes any person licensed by the board to engage in the sale and distribution within this state, at wholesale only, of malt or brewed beverages of an alcoholic content not in excess of four percent by weight and five percent by volume, to be sold only to licensed dealers as defined in this act.

(h) "Wine wholesaler, distributor or jobber," means and includes any person licensed by the board to engage in the sale and distribution of table wines (of alcoholic content fourteen percent or less) within Pike County at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell wine.

(i) "Wine retailer," means and includes persons licensed by the board to engage in the retail sale of table wines to be consumed off the premises, and who do not possess a state liquor license.

(j) "Table wine" means any wine containing not more than fourteen percent alcohol by volume. "Fortified wine" means any wine containing more than fourteen percent alcohol but not more than twenty-four percent alcohol by volume.

Section 3. Retail wine license.—The board shall have authority to issue a retail wine license for any retail outlet in Pike County, kept or operated by a wine retailer for the retail sale in Pike County of table wines for off-premises consumption.

Section 4. Application.—Every applicant for a license to sell wine in Pike County at retail shall file a written application with the board, in such form as the board may prescribe. Such application shall be accompanied by a license fee of one hundred dollars and a filing fee of ten dollars together with the amount or amounts of the prescribed license fee or fees, if any, levied by Pike County.

Section 5. Issuance.—Upon receipt of the application and the proper fees, and upon being satisfied of the truth of the statements in the application and that the applicant is a person of good repute, the board shall grant and issue to the applicant a retail wine license entitling the applicant to purchase table wines from a licensed wine wholesaler and to resell the same at retail in Pike County, but only for off-premises consumption.

Section 6. Wine wholesaler's license.—The board shall issue a wine wholesaler's license to any reputable person who applies for such license to do business in Pike County and pays therefor the license fee hereinafter prescribed. Such a wine wholesaler's license will authorize the licensee to import and receive shipments of table wines from licensed manufacturers outside the state, to purchase table wines from licensed manufacturers or bottlers of wine within the state, and to sell table wine to licensed wine retailers in Pike County. The application for a wholesale wine license shall be in such form as the board may prescribe and shall be accompanied by a license fee of five hundred dollars and a ten dollars filing fee, together with the amount or amounts of the prescribed license fee or fees, if any, levied by Pike County. In addition, the applicant shall file with his original application a bond in the penal sum of not less than one thousand dollars nor more than ten thousand dollars, conditioned upon the payment of the taxes to be collected by the wine wholesaler and remitted to the board.

Licensed beer wholesalers in Pike County may become licensed wine wholesalers in such county upon filing application with the board and paying the filing fee, the appropriate license fee or fees, and the bond herein required.

Section 7. Manufacturer's license.—Every manufacturer, distiller, winery, supplier, producer or bottler desiring to sell table wine to wholesale table wine distributors in Pike County shall register with the board prior to making any such sales, and shall pay to the board a filing fee of two hundred and fifty dollars. Each such manufacturer, distiller, winery, supplier, producer or bottler shall also file with the board prior to making any sales in Pike County a list of its labels to be sold in such county and shall file with the board their Federal Certificate of label approvals or its cerrtificate for the exemption as required by the U. S. Treasury Department. All table wines whose labels have not been registered as herein required, if found in the possession of a retail wine dealer in Pike County shall be considered contraband and may be seized by the board, or its agent, or any peace officer of the State of Alabama without a warrant and said goods shall be delivered to the board and disposed of as provided by law.

All such manufacturers, distillers, wineries, suppliers, producers or bottlers shall prior to the tenth day of each month file a consolidated report of all shipments of table wine made by it during the preceding month to a wine wholesaler doing business in Pike County. Such reports shall be certified as true and correct and shall be a complete listing of all items shipped during such month to a wine wholesaler doing business in Pike County, and shall be accompanied by a copy of the invoice for each separate shipment setting out the quantity purchased, the unit price at which the wine was purchased, the size of the containers, the type and brand label of the wine, the point of delivery and such other information as the board may prescribe.

Section 8. License renewal.—The wine retail, wine wholesale and manufacturer's license herein provided for must be renewed annually and shall be reissued upon payment to the board of the appropriate license fee or fees unless the board has good cause for not reissuing the license. Approval of the local governing body is not necessary for the renewal of existing license. All license fees paid other than those levied by or for Pike County or a municipality therein shall be retained by the board as part of its net profit for operation and shall be distributed as such.

Section 9. Suspension or revocation of licenses.—The board shall have full and final authority as to the suspension and revocation of any license issued hereunder. In addition thereto the board shall have the authority, in the case of a wine retailer to invoke a penalty of not less than two hundred and fifty dollars nor more than five hundred dollars for one or more of the following violations of this act:

(a) selling wine other than during the legal hours of sale; or

(b) selling wine to a minor.

Section 10. Unlawful acts.—In addition to the unlawful acts set forth in Section 36 of Chapter 1, Title 29, Code of Alabama 1940, it shall be unlawful for table wines to be sold except between the hours of 9:00 AM and 9:00 PM, Monday through Saturday. No table wines shall be sold on any Sunday, primary election day, general election day or municipal election day. Table wine may not be displayed by a wine retailer other than during the legal hours of sale and if a wine retailer's establishment is open for business other than during the legal hours of sale, his wine display must be under lock and key and hidden from public view by whatever means are necessary.

Section 11. Advertising.—In Pike County table wines may

be advertised in the same manner and through the same media that beer may be advertised.

Section 12. Tax on table wine and on half-pints and miniatures of spirituous liquors.—(a) In Pike County the state tax on table wine shall be the same as levied by Act No. 99, H. 237 of the Regular Session of 1943 (General Acts of Alabama, 1943, p. 104), Act No. 78, H. 58 of the Second Special Session of 1955 (Acts of 1955, p. 199) as amended, Act No. 312, H. 760 of the Regular Session of 1959 (Acts of 1959, p. 889) as amended, and Act No. 550, H. 281 of the Regular Session of 1969, p. 1033) and in addition thereto there is hereby levied a tax of ten cents per bottle when wine is sold in bottles containing not more than one quart and when sold in bottles containing more than one quart the tax shall be ten cents for the first quart and ten cents for each additional quart or fraction thereof. If wine is packaged in bottles or other containers, the contents of which are indicated in gallons or fractions thereof or in liters then the tax shall be ten cents for one-fifth of a gallon or fraction thereof or ten cents per liter or fraction thereof. The state tax shall be computed as follows: The wine wholesaler shall add to his invoice price to the wine retailer the thirty-five percent state tax as provided by law and shall collect said tax from the wine retailer who in turn, shall pass the tax on to the purchaser, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer. It shall be unlawful for any wine wholesaler who is required to pay the tax in the first instance to fail or refuse to add to the sale price and collect from the wine retailer the required amount of tax.

(b) The state tax on table wine shall be collected by the wine wholesaler and remitted monthly to the board. The remittance shall be accompanied by a return which shall be filed by the wine wholesaler, on a form prescribed by the board and shall show all sales for the preceding month and the state tax due thereon. All such taxes shall be paid to the board. Such state tax paid to the board shall be considered as a part of the net profits from the operation of the board and shall be distributed by the board as prescribed by law.

(c) The wine wholesaler or distributor who pays the state tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not be required to collect the tax for any other level of government; but nothing herein shall be construed to mean that other taxes or license fees cannot be levied by or for the benefit of counties and municipalities in Pike County.

(d) The board shall have the authority to examine the

books and records of any wine wholesaler or retailer to determine the accuracy of any return required to be filed with the board.

(e) In addition to all other taxes and licenses now imposed by law there is hereby levied a license tax on spirituous liquor sold, distributed, stored or used in Pike County of ten cents per bottle when packaged in miniatures and of twenty-five cents per bottle when packaged in half-pints. Any tax levied for Pike County by this act shall be collected by and under the supervision of the Pike County governing body, which may provide rules and regulations and administrative machinery for the enforcement and collection of the tax authorized by this act. Such governing body may also provide reasonable compensation to sellers and distributors of spirituous or vinous liquors for the expenses of compliance with such rules and regulations. The governing body may employ such personnel as may be needed to collect and enforce the tax, and shall fix the compensation and tenure of such personnel.

Section 13. The proceeds of the tax herein levied, when collected in the respective areas of the county, shall be used for the public schools of the county in the following proportionate amounts: All of the tax collected within the town or city limits of Troy shall be deposited in the Troy public school fund; of the tax collected outside the town or city limits of Troy but within the police jurisdiction thereof, shall be deposited one-half in the Troy public school fund and the remaining one-half thereof shall be deposited in the public school fund of the county; and of the tax collected in the county, in areas outside of the town or city limits and outside of the police jurisdiction of Troy, all of such tax shall be deposited in the public school fund of the county. All such monies deposited in the public school fund of the county or in the public school fund of the City of Troy shall be used solely for public school purposes and more particularly for capital outlay and maintenance for the public schools of Pike County and the City of Troy.

Section 14. Stamps.—Wine wholesalers doing business in Pike County must affix a distributor's stamp, as a means of identification, to all table wines sold to a wine retailer. Such stamps may be purchased at cost from the board by any licensed wine wholesaler.

Section 15. Severability.—The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. Intent; act supplemental.—It is the intention of this act: 1. To authorize the sale in Pike County of table wines, as herein defined, by a licensed wine retailer; 2. to permit the purchase and resale in such county of table wine by a licensed wine wholesaler; 3. to provide for the licensing of wine retailers, wine wholesalers and manufacturers; and 4. to provide for the collection, reporting and remitting of taxes now imposed by law and imposed by this act. This act is supplemental and insofar as feasible it shall be construed in pari materia with other laws regulating and licensing dealings in wine and the provisions of Chapter 1, Title 29, Code of Alabama 1940, not in conflict with this act shall apply. However where a conflict exists the provisions of this act shall prevail.

Section 17. Effective date.—This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Pike County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution of Alabama, and shall be held on the same day as the next general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of Pike County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the handling and sale in Pike County of table wines and the levy of a tax on such wines and on spirituous liquors when packaged in one-half pints and miniatures, the proceeds thereof to be used for capital outlay purposes and for maintenance for schools in Pike County, all as authorized and provided in Act No. _____, _____ B. _____ of the 1976 Regular Session (fill in the numbers of this Act in the blanks above) Yes () No ()." If a majority of the votes cast at the election are affirmative votes this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, then this act shall have no further effect. The judge of probate of Pike County shall certify the results of the election to the Secretary of State.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 492

H. 938—Hill, Greer

AN ACT

Relating to Lauderdale County, amending Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776), which Act authorizes the district attorney to hire a secretary and providing for the payment of such secretary, so as to provide further for the payment of such secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1616, H. 2004, Regular Session 1971 (Acts 1971, p. 2776) is hereby amended to read as follows:

"Section 1. In Lauderdale County, the district attorney of said county may appoint a stenographic secretary who shall serve at the pleasure of the district attorney and shall perform such duties as he may direct. The compensation of such secretary shall be fixed by the district attorney at the sum of not exceeding seven hundred dollars ($700.00) per month. Said compensation shall be paid in monthly installments out of the general fund of the treasury of the county at the end of each month, or semi-monthly at the election of said secretary, such payment to be made on certificate issued by the district attorney of such county in favor of such secretary for the respective amounts due each month."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 493

H. 954—Callahan

AN ACT

Relating to counties having populations of not less than 300,000 nor more than 500,000; according to the last or any subsequent federal decennial census the bailiffs of any Inferior State or County Court now having two or more judges shall be compensated on a salary basis and to regulate the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 300,000 nor more than 500,000, according to the last or any subsequent federal decennial census, the bailiffs of any Inferior State or County Court now having two or more judges shall be compensated on a salary basis. Each such bailiff of

any Inferior State or County Court may be paid in the same manner and at the same time as such salaries are paid to the bailiff of such Thirteenth Judicial Circuit Court.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 494 S. 335—King, Foshee

AN ACT

To establish a comprehensive system for budgeting and financial management.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Short Title. This act may be cited a The Budget Management Act.

Section 2. Purpose. It is the purpose of this act to establish a comprehensive system for budgeting and financial management which furthers the capacity of the governor and the legislature to plan and finance the services which they determine the state will provide for its citizens. The system shall include procedures for:

(a) the orderly establishment, continuing review, and periodic revision of the program and financial goals and policies of the state;

(b) the development, coordination, and review of long range program and financial plans that will implement established state goals and policies;

(c) the preparation, coordination, analysis, and enactment of a budget, organized to focus on state services and their costs, that authorizes the implementation of policies and plans in the succeeding budget period;

(d) the evaluation of alternatives to existing policies, plans, and procedures that offer potential for more efficient or effective state services; and

(e) the regular appraisal and reporting of program performance.

(f) For the Purposes of this Act the term agency/department shall include state agencies, departments, boards, bureaus, the legislature and institutions of the State.

SECTION 3. Responsibilities of the Governor. The governor is responsible for the preparation and administration of the state budget and the evaluation of the long range program plans, requested budgets, and alternatives to state agency/department policies and programs, and formulation and recommendation for consideration by the legislature, a proposed comprehensive program and financial plan which shall cover all estimated receipts and expenditures of the state government, including all grants, loans, and moneys received from the Federal government. Proposed expenditures shall not exceed estimated revenues and resources.

SECTION 4. Responsibilities of the Legislature. The legislature shall:

(a) consider the program and financial plan recommended by the governor, including proposed goals and policies, tax rate and other revenue changes, and long range program plans;

(b) adopt programs and alternatives it deems appropriate to the plan recommended by the governor;

(c) adopt legislation to authorize the implementation of a comprehensive program and financial plan; and

(d) provide for a post-audit of financial transactions, program accomplishments, and execution of legislative policy direction.

SECTION 5. Responsibilities of the Department of Finance. The Department of Finance shall:

(a) assist the governor in the preparation and explanation of the proposed comprehensive program and financial plan, including the coordination and analysis of state agency/department program goals and objectives, program plans, and program budget requests;

(b) develop procedures to produce the information needed for effective decision making;

(c) assist agencies/departments in preparing their statement of goals and objectives, program plans, program budget requests, and reporting of program performance;

(d) administer its responsibilities under the program execution provisions of this act so that the policy decisions and budget determination of the governor and the legislature are implemented to the fullest extent possible within the concepts of proper management; and

(e) provide the legislature with budget information.

(f) The Department of Finance shall assist agencies/departments in the preparation of their proposals under Section 6 (a). This assistance; organization of materials; centrally collected accounting, budgeting, and personnel information; standards and guidelines formulation; population and other required data; and any other assistance that will help the state agencies/departments produce the information necessary for efficient agency/department management and effective decision making by the governor and the legislature.

SECTION 6. Agency Department Program and Financial Plans.

(a) Each state agency/department, on the date and in the form and content prescribed by the Department of Finance, shall prepare and forward to the Budget Officer the following program and financial information:

(1) the goals and objectives of the agency/department programs, together with proposed supplements, deletions, and revisions to such programs;

(2) its proposed plans to implement the goals and objectives including estimates of future service needs, planned methods of administration, proposed modification of existing program services and establishment of new program services, and the estimated resources needed to carry out the proposed plan;

(3) the budget requested to carry out its proposed plans in the succeeding fiscal year. The budget requested information shall include the expenditures during the last fiscal year, those estimated for the current fiscal year, those proposed for the succeeding fiscal year, and any other information requested by the Department of Finance;

(4) a report of the revenues during the last fiscal year, an estimate of the revenues during the current fiscal year, and an estimate for the succeeding fiscal year.

(5) a statement of legislation required to implement the proposed programs and financial plans; and

(6) an evaluation of the advantages and disadvantages of specific alternatives to existing or proposed program policies or administrative methods.

(b) The state agency/department proposals prepared under subsection (a) shall describe the relationships of their program services to those of other state agencies/departments, other branches of state government.

(c) If any state agency/department fails to transmit the

program and financial information provided under subsection (a) on the specified date, the Department of Finance may prepare such information.

(d) The Department of Finance shall compile and submit to the governor-elect or any year when a new governor has been elected, not later than November 20, a summary of the program and financial information prepared by state agencies departments.

SECTION 7. Governor's Recommendation.

(a) The governor shall formulate the program and financial plan to be recommended to the legislature after considering each state agency's proposed program and financial plan. The governor's plan shall include his recommended goals and policies, recommended plans to implement the goals and policies, recommended budget for the succeeding fiscal year, and recommended revenue measures to balance the budget.

(b) The proposed comprehensive program and financial plan will be presented by the governor in a message to a joint session of the legislature on or before the 5th legislative day of each regular session of the legislature. The message shall be accompanied by an explanatory report which summarizes recommended goals, plans and appropriations. The explanatory report shall be furnished each member of the legislature and each state agency/department on or before the 5th legislative day of the regular session of legislature. The report shall contain the following information:

(1) the coordinate program goals and objectives that the governor recommends to guide the decisions on the proposed program plans and budget appropriations;

(2) the program and budget recommendations of the governor for the succeeding fiscal year;

(3) a summary of state revenues in the last fiscal year, a revised estimate for the current fiscal year, and an estimate for the succeeding fiscal year;

(4) a summary of expenditures during the last fiscal year, those estimated for the current fiscal year, and those recommended by the governor for the succeeding fiscal year; and

(5) any additional information which will facilitate understanding of the governor's proposed program and financial plan by the legislature and the public.

SECTION 8. Legislative Review. The legislature shall consider the governor's proposed comprehensive program and financial plan, evaluate alternatives to the governor's recommen-

dations, and determine the comprehensive program and financial plan to support the services to be provided the citizens of the state, provided, however, that in such determination authorized expenditures shall not exceed estimated revenues and resources.

SECTION 9. Program Execution.

(a) Except as limited by policy decisions of the governor, appropriations by the legislature, and other provisions of law, the several state agencies/departments shall have full authority for administering their program assignments and appropriations, and shall be responsible for their proper management.

(b) Each state agency/department shall prepare an annual plan for the operation of each of its assigned programs. The operations plan shall be prepared in the form and content and be transmitted on the date prescribed to the Department of Finance.

(c) The Department of Finance shall:

(1) review each operations plan to determine that it is consistent with the policy decisions of the governor and appropriations by the legislature, that it reflects proper planning and efficient management methods, that appropriations have been made for the planned purpose and will not be exhausted before the end of the fiscal year;

(2) approve the operations plan if satisfied that it meets the requirements under paragraph (1). Otherwise the Department of Finance shall require revision of the operations plan in whole or in part; and

(3) modify or withhold the planned expenditures at any time during the appropriation period if the Department of Finance finds that such expenditures are greater than those necessary to execute the programs at the level authorized by the governor and the legislature, or that the revenues and resources will be insufficient to meet the authorized expenditure levels.

(d) No state agency/department may increase salaries of its employees, employ additional employees, or expend money, or incur any obligations except in accordance with law and with a properly approved operations plan by the Director of Finance.

(e) Appropriation transfers or changes as between objects of expenditures within a program may be made only by the Director of Finance. Appropriation transfers or changes between programs within an agency/department may be made only by the governor and shall be reported to the legislature quarterly. If transfers shall be made between agencies/departments except pursuant to interagency agreements executed for pur-

poses of accomplishing objectives for which the funds involved were appropriated.

(f) The Department of Finance shall report quarterly to the governor and the legislature on the operations of each state agency/department, relating actual accomplishments to those planned, and modifying, if necessary, the operations plan of any agency/department for the balance of the fiscal year.

SECTION 10. Performance Reporting.

(a) Each state agency/department, shall submit a performance report to the Department of Finance on or before November 1 for the preceding fiscal year. These reports shall be in the form prescribed by the Budget Officer, and shall include statements concerning:

(1) the work accomplished, and the services provided, in the preceding fiscal year or other meaningful work period, relating actual accomplishments to those planned under Section 9 (b);

(2) the relationship of accomplishments and services to the policy decisions and budget determinations of the governor and the legislature;

(3) the costs of accomplishing the work, and providing the services, and, to the extent feasible, citing meaningful measures of program effectiveness and costs; and

(4) the administrative improvements made in the preceding year, potential improvements in future years, and suggested changes in legislation or administrative procedures to make further improvements.

(b) The Finance Department shall summarize the performance reports and forward copies to each member of the legislature annually.

SECTION 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

SECTION 12. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 13. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved August 18, 1976.

Time: 6:30 P.M.

Act No. 495 H. 892—Teague, McCluskey, Dial, Moore (O)

AN ACT

To name the Beginners Cottage at the Alabama Institute for the Deaf and Blind the "Catherine Riser Hall."

WHEREAS, Miss Catherine Riser, who is recognized as one of the nation's greatest educators of the deaf, has served as a teacher for eight years, a supervising teacher for ten years, and a principal for more than twenty years at the Alabama School for the Deaf; and

WHEREAS, she is remembered for her interest in former students during their school years, and her administrative abilities, her firm leadership, and her wise counsel is greatly appreciated by deaf people, those working with her, and the parents of deaf children; and

WHEREAS, Catherine Riser is responsible for the success of many deaf adults and for making the Alabama School for the Deaf and Blind well-known in Alabama and in the United States among schools for the deaf; and

WHEREAS, the Board of Trustees at the Alabama Institute for the Deaf and Blind have unanimously approved of said building being named in honor of Catherine Riser; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The Beginners Cottage at the Alabama Institute for the Deaf and Blind is hereby designated as the "Catherine Riser Hall" in honor of Catherine Riser. The authorities at the Alabama Institute for the Deaf and Blind shall cause said building to be so designated by appropriate signs or markings.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 496 H. 893—Teague, McCluskey, Dial, Moore (O)

AN ACT

To name the technical facility of the Adult Blind Department at

the Alabama Institute for the Deaf and Blind the "E. H. Gentry Technical Facility."

WHEREAS, Mr. E. H. Gentry, a native of Bibb County, has held positions as teacher and principal for eleven years and was with the State Department of Education for twenty-three years; and

WHEREAS, from 1930 to 1948, Mr. Gentry served his state as State Supervisor of Crippled Children's and Vocational Rehabilitation Services in the State Department of Education and later was named Associate Director of the total Vocational Education Program; and

WHEREAS, he served for a number of years as Executive Secretary of the Alabama Society for Crippled Children and Adults and then accepted in 1954 the position at the Alabama Institute for the Deaf and Blind as Director of the Adult Blind Department and Coordinator of Clinical Services; and

WHEREAS, in 1962, he was given the office of President of the Alabama Institute for the Deaf and Blind, and, in such a capacity, he greatly improved the public understanding of deaf and blind children; and

WHEREAS, Mr. Gentry's leadership in church work and community service to the handicapped of this state should stand as an example for us all; and

WHEREAS, the Board of Trustees unanimously approves the naming of the technical facility of the Adult Blind Department in honor of E. H. Gentry; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The technical facility of the Adult Blind Department at the Alabama Institute for the Deaf and Blind is hereby designated as the "E. H. Gentry Technical Facility." The authorities at the Alabama Institute for the Deaf and Blind shall cause said technical facility to be so designated by appropriate signs or markings.

Section 2. All laws of parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 497 H. 894—Teague, McCluskey, Dial, Moore (O)

AN ACT

To name the library building at the Alabama Institute for the Deaf and Blind the "Harry L. Baynes Library."

WHEREAS, Mr. Harry L. Baynes has proven himself to be an outstanding deaf educator who is well-known and greatly respected in connection with the education and training of the deaf; and

WHEREAS, Mr. Baynes has given more than forty years of service to the deaf at the Alabama School for the Deaf as an academic teacher, a coach in basketball and football, a sponsor of the Athletic Association, a counselor, and a long-time instructor in printing; and

WHEREAS, Harry L. Baynes has done much for the Alabama School for the Deaf such as accepting the task of gathering several hundred dollars for a school bus, leading the successful three million dollar bond issue campaign for the new builidngs of the Alabama Institute for the Deaf and Blind, raising more than seven thousand dollars for purchasing books for the library, helping many of his pupils secure jobs in printing firms, and collecting more than two thousand dollars to send a representative of the school and the United States to the World Games of the Deaf in Malno, Sweden, this summer; and

WHEREAS, the Board of Trustees have unanimously approved naming the library at the Alabama Institute for the Deaf and Blind in honor of Harry L. Baynes; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The library on the campus of the Alabama Institute for the Deaf and Blind is hereby designated as the "Harry L. Baynes Library." The authorities at the Alabama Institute for the Deaf and Blind shall cause said library to be so designated by appropriate signs or markings.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 498 H. 89—Turnham

AN ACT

To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist, is hereby further amended to read as follows:

"Section 388. The duties of the state toxicologist shall be to make such investigations of deaths and crimes as are ordered by the governor, the attorney-general, any circuit judge, or any circuit solicitor in the state of Alabama; and the state toxicologist shall cooperate with the corners, sheriffs and other police officers in Alabama in their investigations of crimes and deaths from unnatural causes; and the state toxicologist shall within his discretion visit the scene of any crime in the state for the purpose of securing evidence for the state. The state toxicologist shall furnish a certified copy of his report of any investigation that he conducts to the person or persons who ordered the investigation conducted. The state toxicologist shall keep the original reports of all investigations that he conducts in his office, provided that the state toxicologist shall be authorized to photograph or microphotograph any record, document, or photograph (two years old or older) currently maintained or acquired, received, or produced in the future as a result of his duties as prescribed by law. Such photographs, microfilms, or prints made therefrom, when duly authenticated, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process when otherwise in compliance with applicable statutes, rules, and regulations, shall be received and treated in any court of this State as fully would a transcription or reproduction of such records made by any other means or process. All original records, documents, and photographs (two years old or older) currently maintained and acquired in the future may be destroyed at the discretion of the State Toxicologist provided photographed or microphotographed reproductions of the destroyed material are maintained. The state Toxicologist shall furnish a certified copy in the form of reproductions from the photographed or microphotographed reports of any investiga-

tion that he conducts to the person or persons who ordered the investigation conducted. The State Toxicologist shall keep photographed or microphotographed reproductions of original reports of all investigations that he conducts in his office. Reproductions of such materials shall be public records and shall be open to public inspection at all reasonable times. Any person desiring reproductions of original reports shall be furnished same upon payment of the fee now prescribed by law. It shall be the further duty of the state toxicologist to cooperate with the commissioner of agriculture and industries and the state veterinarian in their investigations of deaths of domestic animals in cases of suspected criminal poisoning of such animals. The state toxicologist shall perform such other duties as are prescribed by the governor or the attorney-general of Alabama. The state toxicologist and his designated assistants shall exercise the same police authority as any deputy sheriff or highway patrolman in the state of Alabama.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 499 H. 181—Falkenburg, Roberts, Holmes (A)

AN ACT

To provide for and regulate the practice of Midwifery by the issuance of a license by the State Board of Nursing and Board of Medical Examiners, and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful, for any person, other than a licensed professional nurse who has received a permit from the State Board of Nursing and the Board of Medical Examiners to practice nurse midwifery in this state.

The terms "nurse midwife" is a Registered Nurse who by virtue of added knowledge and skill gained through an organized program of study and clinical experience recognized by the American College of Nurse-Midwives, has extended the limits of her practice into the area of management of care of mothers and babies throughout the maternity cycle so long as progress meets criteria accepted as normal.

The term "practice of nurse midwifery" means care for the mother during pregnancy and labor providing continuous physical and emotional support, continuous evaluation of progress throughout labor and delivery.

The term "normal childbirth" means delivery, at or close to term, of a pregnant woman whose physical examination by a physician reveals no abnormalities.

Any person violating this section shall be guilty of a misdemeanor.

Nothing in this section shall be construed as to prevent lay-midwives, holding valid health department permits, from engaging in the practice of lay-midwifery as heretofore provided until such time as said permit may be revoked by the County Board of Health.

Section 2. APPLICATION FOR LICENSE. A person desiring to obtain a certificate of authority to enter into the practice of nurse midwifery shall make written application to the Board of Nursing and the Board of Medical Examiners. Every applicant for a license to practice midwifery must be a licensed registered nurse and possess a certificate from a school for nurse midwives recognized by the American College of Nurse-Midwives.

Section 3. LICENSE, ISSUANCE, REVOCATION AND SUSPENSION. The State Board of Nursing and the Board of Medical Examiners may issue or refuse to issue, or having issued, may suspend or revoke, certificates of authority to practice nurse midwifery under the provisions of this act, and in accordance with such rules and regulations promulgated under the provisions of this act. Certificates issued hereunder shall be renewable biennially at such time and in such a manner as prescribed by the State Board of Nursing and the Board of Medical Examiners. Suspension and revocation of certificates shall be by the State Board of Nursing and the Board of Medical Examiners for due cause after investigation.

Section 4. RULES AND REGULATIONS. The State Board of Nursing and the Board of Medical Examiners shall have the authority and power to make and promulgate such rules and regulations as may appear necessary and proper to carry out the purposes of this act, including, but not limited to minimu meducational and physical requirements for nurse midwives, the procedures and techniques to be employed in the practice of nurse midwifery, and the ethical standards to be observed by nurse midwives.

Section 5. RESTRICTIONS UPON LICENSES. The certificates issued under this act shall not confer upon any per-

son the right to practice medicine; to undertake the charge of abnormal cases of confinement or any disease in connection with confinement; or to assume any name, title, or designation implying that such person is authorized by law to undertake the charge of any such cases, or to practice medicine.

Section 6. PRACTICE BY LICENSES. A person holding a certificate to practice midwifery issued by the State Board of Nursing and the Board of Medical Examiners may provide maternity care to patients including prenatal care, deliver normal pregnancies and administer postnatal care. The above care will be done under appropriate physician supervision.

Section 7. ATTENDANCE AT NORMAL CHILDBIRTH ONLY. It shall be unlawful for any person holding a certificate as a nurse midwife to attend any cases except cases of normal childbirth, as herein defined, or to perform manipulations of any kind. In all cases in which the child is not delivered spontaneously within a reasonable time, the nurse midwife shall notify a qualified physician immediately, and make no effort to deliver the child except under the authorization and supervision of such physician. All deliveries must be planned to take place in the hospital.

Section 8. Individuals meeting the requirements set forth shall have their professional nursing license also designated certified nurse midwife (C. N. M.) without payment of additional fees.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. Section 168, Title 46, Code of Alabama 1940, and all laws or parts of laws in conflict with this act are hereby repealed.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 500 H. 279—Smith (J), Sasser

AN ACT

To exempt from the sales tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, certain items necessary in the farm to market production of tomatoes from sales tax.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be exempted from the tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, the gross receipts of sales the following items or materials, which are necessary in the farm to market production of tomatoes: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipment to customers, when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on the first day of the month next succeeding its approval by the Governor, or its otherwise becoming law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 501 H. 397—Johnson

AN ACT

Relating to the compensation of certain officers in counties having a population of not less than 110,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; amending Section 2 of Act No. 1896, S. 777 of the 1971 Regular Session (Acts 1971, Vol. IV., p. 3086) so as to increase the amount of compensation for board of education members and to limit the number of meetings for which such members shall be entitled to compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 1896, S. 777, of the 1971 Regular Session (Acts 1971, Vol IV, p. 3086) shall be amended so as to read as follows:

"Section 2. In all counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census, the members of the board of education in such counties shall receive compensation in the amount of $30.00 for each meeting attended. Provided, however, that the number of meetings for which such compensation shall be paid shall not exceed twenty-four per annum."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 502 H. 771—Drake

AN ACT

To amend Code of Alabama 1940, Title 55, Section 346, which prohibits boxing, sparring or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches during certain hours.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama, Title 55, Section 346, is amended to read as follows:

"Section 346. No boxing, sparring or wrestling matches shall be held on Sunday except as are allowed by the boxing and wrestling commission, but in no case during the hours from 9:00 o'clock a.m. until noon and from 6:00 o'clock p.m. until 8:00 o'clock p.m."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 503 H. 835—Martin, Cross, Drake, Roberts

AN ACT

To authorize the county governing bodies of all counties having populations of not less than 75,000 nor more than 90,000, according to the 1970 or any subsequent federal decennial census, and the governing body of any municipality in any such county to enter into long-term contracts for the disposal of solid waste, garbage, ashes and rubbish; to limit the term for which such contracts may be made; to prescribe certain stipulations that must be made in such contracts; and to declare that the entering of such contracts shall not constitute the incurring of a debt within the constitutional provision or statutory limitation on debts of the county and he municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties in this state having populations of not less than 75,000 nor more than 90,000 according to the 1970 or any subsequent federal decennial census, and to all municipalities within such counties.

Section 2. The governing body of any county to which this act applies or the governing body of any municipality in any such county, in lieu of or in addition to, maintaining a crematory for the destruction of garbage and like substances or otherwise disposing of garbage within its jurisdiction, may enter into a contract or contracts providing for the disposal of its solid waste, garbage, ashes and rubbish or any part thereof. The terms, provisions and conditions of the contract shall be such as the governing body deems appropriate and in the best interests of the city or county, as the case may be; and such contract may provide for the continuous disposal of such solid waste, garbage, ashes and rubbish from year to year, but not for more than twenty years. Any contract entered into by the governing body of a city or the county under authority of this act shall stipulate that any waste disposal system used by the contractor shall comply fully with regulations of the federal environmental protection agency and with rules and regulations of the state air and water pollution control agencies.

Section 3. Any cost to the county or a city under any contract entered into under authority of this act shall be paid annually out of the general operating funds of the county or city, as the case may be, and the entering of such contracts shall not constitute the incurring of a debt by such county or city within the state constitution provision or statutory limitation on debts of the county or municipality.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act is supplemental. It shall be construed in pari materia with other laws relative to the disposal of solid waste; however, any law or part of law which conflicts with this act is hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 504 H. 927—Sasser, Whatley, Crawford, Folmar

AN ACT

To alter and rearrange the boundaries of the town of Clio, Barbour County, Alabama, so as to annex and include within the corporate limits thereof, the territory hereinafter described.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the Town of Clio, Barbour County, Alabama, are hereby altered and rearranged so as to annex and include the following additional described territory lying in Barbour County, Alabama, to-wit:

Town of Clio
Highway 10 West — City Limit
Extension

At the intersection of the East line of Section 33, Township 9 North, Range 24 East (being the present West Clio City limits line) and a point 660 feet Southward of the centerline of Alabama Highway No. 10 measured perpendicular to said centerline as the point of beginning run Westerly along a line parallel to and at a perpendicular constant distance of 660 feet Southward of said centerline a distance of one (1) mile, more or less, to the West line of Section 33, Township 9 North, Range 24 East; thence, North along said line to a point which is 660 feet from the centerline of said Highway measured at a right angle to said centerline; thence, run Easterly along a line parallel to and at perpendicular constant distance of 660 feet Northward of said centerline a distance of 1,930 feet, more or less, to a point which is 330 feet West of the centerline of an unpaved road; thence, run Northerly along a line parallel to and at a constant distance of 330 feet Westerly of said centerline of an unpaved road a distance of 1,320 feet; thence, Easterly along a line parallel to the centerline of Alabama Highway 10 a distance of 900 feet, more or less, to a point which is 330 feet East of the centerline of Barbour County Highway No. 3, measured at right angles to said County Highway; thence, Southeasterly along a line parallel to and at a constant distance of 330 feet from the centerline of said County Highway a distance of 1,800 feet more or less, to a point which is 660 feet Northerly from the centerline of Alabama Highway No. 10; thence, run easterly along a line parallel to and at a constant distance of 660 feet Northerly of the centerline of said Alabama Highway No. 10 to the intersection of the East line of Section 33, Township 9 North, Range 24 East, and the present City Limits of Clio, Alabama; thence, South along said East line of Section 33, a distance of 1,500 feet, more or less, to the point of beginning and containing about 0.46 square miles in area.

Less and except: All property within the above described property owned by Aaron McCurdy and P. J. Belcher and/or their heirs and assigns.

Town of Clio
Highway 10 East — City Limits
Extension

At the intersection of the Present City Limits of Clio, Alabama, and a point 660 feet northward of the centerline of Alabama Highway 10 measured perpendicular to said Highway and being 250 feet East of the West line of Section 6, Township 8 North and Range 24 East and being the point of beginning run Easterly along a line parallel to the centerline of said Highway to the East line of Section 6, Township 8 North, Range 24 East; thence, South along said East line to a point 660 feet South of the centerline of said Highway measured at right angles to the centerline; thence run Westerly along a line parallel to the centerline of said Highway to a point which is 250 feet East of the West line of Section 6 and being the present City Limits; thence North along a line parallel to and 250 feet East of the West line of Section 6 to the point of beginning.

Highway 51 North
City Limits Extension

From the intersection of the present City Limits of Clio, Alabama, and a point 660 feet Westerly of the centerline of Alabama Highway Number 51 measured perpendicular to said Highway centerline as the point of beginning run Northerly along a line parallel to the center line of said Highway to the intersection of North line of Section 22, Township 9 North, Range 24 East in Barbour County, Alabama; thence, East along said North line to a point 660 feet East of the centerline of said Highway; thence, Southerly and parallel to the centerline of said Highway to the present City Limits line of Clio, Barbour County, Alabama; thence West along said city limits line to the point of beginning.

All of the above described property lies in Barbour County, Alabama.

Section 2. The outside boundaries of the territory described in Section 1 of this act together within the outside boundaries of the existing corporate limits of the Town of Clio, and any previous extension thereof, and all the territory included and embraced with said boundaries and within the boundaries of the existing town limits of the Town of Clio shall hereafter be and constitute the Town of Clio.

Section 3. All laws and parts of laws, both general and special and local in conflict with this act shall be, and the same are hereby repealed.

Section 4. This act shall become effective immediately

upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 505 H. 932—Drake

AN ACT

To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled "An Act Relating to taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," is hereby amended to read as follows:

"Section 1. The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer, or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment, or sale of poultry or poultry products shall be exempted from the computation of the amount levied, assessed, or payable under the provisions of the State Sales Tax Law (Act No. 100, H. 94, Second Special Session, approved August 18, 1959, as amended) and the storage, use, or other consumption of the above named wrapping, lining, and other materials when used as above specified are likewise specifically exempted from the payment of the State's Use Tax levied by Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as amended."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 506 H. 1183—Hill, Greer, Coburn

AN ACT

Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census.

Section 2. All sheriffs and deputy sheriffs in such county when required by law to serve any process or paper, shall receive an additional fifteen cents ($0.15) per mile for each mile traveled in serving same which allowance shall be paid as a part of the court cost therein, said additional funds to be paid into the County general fund to be used in financing the activities of the Sheriff's department.

Section 3. The mileage allowance provided herein shall be in addition to any mileage allowance now provided by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 507 H. 1180—Greer, Hill, Coburn

AN ACT

Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal

decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties the respective courts are authorized to levy and collect in addition to all other costs, fees or taxes a five dollar tax on all misdemeanor guilty arrests and a ten dollar tax on all felony guilty arrests made by the sheriff or deputies sheriff. Provided, however, that the tax shall not apply to any traffic violations except driving while intoxicated or reckless driving charges. Such tax shall be collected in the same manner as are all other costs, fees or taxes now provided by law and shall be deposited in the county treasury for the benefit of the sheriff's department.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 508 S. 397—Waldrop

AN ACT

To provide that the New Nursing Building at Gadsden State Junior College be named the Frank Helderman Building.

WHEREAS Mr. Frank Helderman is a man of many talents who has contributed much to his state and his community; and

WHEREAS Mr. Helderman has never shunned responsibility, but rather he has spearheaded numerous worthwhile endeavors; and

WHEREAS Mr. Helderman has always been ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state, and country; and

WHEREAS Mr. Frank Helderman has contributed generously of his time, talent and means in assisting in the development of Gadsden State Junior College; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The New Nursing Building at Gadsden State Junior College shall be henceforth named the Frank Helderman Building. The administrators of Gadsden State Junior College are authorized and directed to properly designate such building by this name.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 509 S. 435—Noonan

AN ACT

Relating to Mobile County, providing for the levy and collection of a one mill ad valorem tax on real and personal property, such funds to be paid to the treasurer of the Mobile County Board of Health for the purpose of funding a mosquito, rodent and other vector control program in Mobile County to be administered by the Mobile County Board of Health.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court of County Commissioners, Board of Revenue or like governing body of Mobile County is hereby authorized to levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax of one mill on each dollar's worth of taxable real and personal property in Mobile County for the administration, operation and maintenance of mosquito, rodent and other vector control activities to be carried out by the Mobile Board of Health. Such tax shall be based upon the last preceding assessment for the State and County purposes commencing with the tax year beginning October 1, 1976; its collection shall conform to the collection of taxes from counties; and it shall constitute a lien against the property. The tax shall be added by the appropriate County Officials to the State and County tax bill immediately following the levy of such tax. Such taxes shall be subject to the same due and delinquency date, penalties, exemptions, and interest as are applied to the collection of all other ad valorem taxes.

Section 2. All funds derived from the collection of this

special tax (after deduction of costs of assessment and collection thereof, such costs not to exceed two (2%) per centum for assessment and two (2%) per centum for collection) shall be paid over and held by the Treasurer of the Mobile County Board of Health for the specific purpose for which such funds have been collected. Such sums may be anticipated, but for not longer than twelve (12) months, by temporary loan certificates issued by the Mobile County Board of Health, and, when anticipated, such proceeds shall be used for the same purposes as are herein provided.

Section 3. In the event that any section, sentence, clause or portion of this act should be declared invalid or unconstitutional by any Court of competent jurisdiction, such invalidity shall not affect the validity of sections, sentences, clauses, or portions which remain.

Section 4. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the levying and collection of this tax on real and personal property.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 510 S.J.R. 124—Torbert

SENATE JOINT RESOLUTION

WHEREAS, pursuant to the authority of Act 1160, 1969 Regular Session of the Alabama Legislature, for the purpose of revising, digesting and codifying the Statutes of the State of Alabama of a general and permanent nature, the State of Alabama acting by and through the Governor of Alabama on, to-wit: February 11, 1974, made and entered into a contract with the Bobbs-Merrill Company and The Michie Company, jointly (they being designated by such contract and hereinafter as "Code Commissioner"), which said contract was subsequently modified by amendments dated, respectively, January 26, 1976 and February 19, 1976, and which said contract, as heretofore amended, is hereinafter referred to as the "said contract"; and

WHEREAS, there has not been an official CODE OF ALABAMA since the CODE OF ALABAMA 1940 was adopted by Act 628 of the 1939 Regular Session of the Alabama Legislature approved July 2, 1940 although said CODE OF ALABAMA 1940 was recompiled in 1958 but said recompilation was not an official Code of the State; and

WHEREAS, the supply of the CODE OF ALABAMA 1940 (Recompiled 1958) is completely exhausted and there are no copies thereof available for use in this State, and there have been no pocket parts nor supplements to said Code published since the 1973 Regular Session of the Alabama Legislature, and there is an urgent need for the publication of a new CODE OF ALABAMA for the use of the general public, the practicing attorneys, the judges of this State, and other governmental agencies, organizations and institutions in order to be informed as to the Statutes of the State of Alabama now in force and effect; and

WHEREAS, the Code Commissioner, pursuant to the provisions of said contract, is in the final stages of preparing a manuscript which would contain the Statutes of the State of Alabama of a general and permanent nature as enacted by the Legislature through the end of the 1975 Regular Session of the Alabama Legislature, as revised and digested by the said Code Commissioner, and which will be proposed to be the CODE OF ALABAMA 1975; and

WHEREAS, pursuant to the provisions of the said contract, the Code Commissioner has, in the course of preparing a manuscript for the CODE OF ALABAMA 1975, furnished the material to be incorporated in such manuscript to the Subcommittee of the Legislative Council of the State of Alabama created by paragraph 5 of said contract, which material revised, digested and recodified the existing Statutes of the State of a general and permanent nature so that conflicting laws were resolved, obsolete and unconstitutional laws were eliminated, and typographical errors were corrected but without charge in the substantive Statute Law of this State; and the said Subcommittee has reviewed the material to be included in the proposed manuscript, compared it with the general and permanent Statutes of the State of Alabama, and has made appropriate corrections therein, which corrections are now being incorporated into said manuscript; and

WHEREAS, the Code Commissioner has made known to the Alabama Legislature that said manuscript so being prepared by it cannot be completed and delivered to the State of Alabama pursuant to the terms of said contract prior to the anticipated adjournment date of the 1976 Regular Session of the Alabama Legislature; and further, the said Code Commissioner has made known to the Legislature that it anticipates that said manuscript for the CODE OF ALABAMA 1975 will be completed and available for delivery to the State of Alabama not later than October 30, 1976, and

WHEREAS, copies of the said manuscript as certified by the Code Commissioner will be furnished to the State of

Alabama pursuant to the provisions of said contract and distributed as promptly as possible to all of the members of the Alabama Legislature; and

WHEREAS, it is both urgent and imperative that immediately following the delivery of said manuscript to the State of Alabama and distribution thereof to the members of the Alabama Legislature that the Alabama Legislature proceed with all deliberate speed to review, consider and act upon said manuscript in order to officially adopt the same as the CODE OF ALABAMA 1975:

NOW THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both Houses thereof concurring as follows:

1. There is hereby created a joint committee of the Senate and of the House of Representatives of the State of Alabama to be composed of three members of the Senate appointed by the presiding officer thereof, and four members of the House of Representatives to be appointed by the speaker thereof, such appointment to be made within two legislative days following the adoption of this resolution, and which said joint committee as thus appointed and constituted is hereby commissioned, authorized and required to examine the manuscript of the proposed CODE OF ALABAMA 1975 as prepared and certified by the Code Commissioner pursuant to said contract. Said joint committee shall be organized upon notice of an organizational meeting given by the presiding officer of the Senate and upon such organizational meeting, the members of said joint committee shall select a chairman of said committee.

2. The joint committee shall review and evaluate the manuscript so as to assure that it constitutes a correct and harmonious body of statute law, and in doing this they shall keep correct written minutes of their proceedings to be signed by the chairman of said joint committee, and which minutes shall be returned with the manuscript so that all amendments and corrections may be correctly incorporated into the published CODE OF ALABAMA.

3. The joint committee shall report its findings and recommendations to the Alabama Legislature on the first day of the next session thereof, regular or special, following the adjournment sine die of the 1976 Regular Session of the Alabama Legislature.

4. The joint committee shall, in discharging its duties hereunder, consult and advise with the Subcommittee of the Legislative Council created under said contract for the purpose of resolving any questions which the said joint committee may have with respect to said manuscript.

5. The joint committee shall meet upon the call of the

chairman thereof and each member of the Alabama Legislature shall be notified as to the time and dates of such meetings in order that each member of the Alabama Legislature may be fully advised and appraised as the work of said joint committee in the discharge of its duties hereunder.

6. The members of the joint committee shall receive their regular legislative pay for each day that they are convened in a meeting to perform the duties and work commissioned to them under this resolution; and in addition thereto, shall receive travel pay as provided by law, all of which shall be paid out of the funds appropriated to the Legislature upon vouchers certified to the comptroller and approved by the chairman of the joint committee.

BE IT FURTHER RESOLVED that the Legislature of Alabama, both Houses thereof concurring, hereby petitions the Governor of Alabama that he call the Alabama Legislature into an extraordinary session following the adjournment sine die of the 1976 Regular Session of the Alabama Legislature for the sole purpose of receiving the report of the joint committee created by this resolution, and for the consideration and action by the Alabama Legislature of appropriate legislation to adopt the manuscript as the CODE OF ALABAMA 1975, and for the purpose of enacting legislation for continuous Code revision as to the general and permanent Statutes of the State of Alabama, such extraordinary session to be called and convened not later than sixty (60) days following the delivery of said manuscript by the Code Commissioner to the Legislative Council of the State of Alabama all as provided for in said contract.

BE IT FURTHER RESOLVED that the Legislature of Alabama, both Houses thereof concurring, hereby makes known to the Governor of the State of Alabama that it is the intention of the Alabama Legislature to act and consider said manuscript only, and for no other legislative purpose as expeditiously as is possible in order that said extraordinary session be concluded at the earliest practicable time consistent with the orderly conduct of its business in considering and acting upon said manuscript as the CODE OF ALABAMA 1975.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 511 S.J.R. 133—Edwards

SENATE JOINT RESOLUTION

CONGRATULATING THE DECATUR AMERICAN

LEAGUE DIXIE YOUTH ALL-STARS UPON WINNING THE DIXIE YOUTH STATE CHAMPIONSHIP.

WHEREAS, the Decatur American League Dixie Youth All-Stars won the Dixie Youth State Championship on August 6, 1976; and

WHEREAS, the team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, the managers Gene Estis, Ray Ellis, and Mart Wade are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win that are necessary for a winning team; and

WHEREAS, the All-Stars will go on to the Dixie Youth World Series in Red Bank, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Decatur American League Dixie Youth All-Star Team upon winning the Dixie Youth State Championship, and we wish them the best of luck in the Dixie Youth World Series.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the above mentioned managers and each team member listed below: Michael Jo Anderson, Philip Dalton, Jr., Michael Ted Gibson, Daniel Shawn Keeny, Ralph Stephen Averitt, Byron Keith Echols, Byron Blake Hood, Joseph Pruitt Parker, III, Tony Lee Stukes, John Ray Ellis, Jr., Jeffery Eric Johnson, Charles Edward Cutcheons, Jr., Michael Douglas Wade, William Patrick O'Brien, Jackson Kirk Howell, and Mark Wesley Wipperman.

Approved August 23, 1976.

Time: 6:00 P.M.

Act No. 512 S. 128—McMillan

AN ACT

An Act creating the "Alabama Sunset Law of 1976" providing definitions; providing for the termination of state agencies, as defined in the Act, or listed dates; providing a deadline for reaching a recommendation as to continuance or termination, as defined herein, on or before the first legislative day immediately following review; providing that any agency, unit or subunit which is terminated shall have 180 days in which to conclude its affairs after which time the specified agency, unit, subunits and their personnel positions would be abolished and all unexpended funds would revert to the state fund from which

appropriation was made; providing for a 4-year limit on the life of any continued or newly created agency, after which time review and evaluation procedures shall be repeated; providing for public hearings on the sufficient public need of agencies under review; providing for review and evaluation criteria; providing for a review and evaluation criterion of a "zero-based review and evaluation"' providing for a select committee to assist in the implementation of the provisions of this act; and that their recommendation report shall be submitted to the Legislature and the Governor for distribution on, or before, the first legislative day of the regular session; providing expenses and pay of committee members be made from the state treasury from funds appropriated for the payment of the expenses of the legislature; providing for voting as to the recommendations of the committee and the continuance of any agency by simple majority vote of both Houses; providing for the Examiners of Public Accounts and Legislative Fiscal Office to assist in the review and evaluation process; providing that the Governor be urged to adopt the principles of a "zero-based review and evaluation" in budgetary preparations; providing for the retention of all claims and rights of citizens; providing for severability; providing for repeal of laws inconsistent with this act; and providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Short title.—This Act shall be known as the "Alabama Sunset Law of 1976."

Section 2. Definitions. As used in this Act, unless the context requires a different meaning the following words shall be defined as follows:

(a) "Agency" shall mean to include all departments, divisions, bureaus, commissions, councils and boards, or like governmental units or subunits of the State of Alabama, regulatory in nature or otherwise.

(b) The word "continuance," or derivative thereof, shall mean continuance as presently in existence or as modified by recommended legislation.

(c) "Performance audit" shall mean the same as operational audit.

(d) "Termination: shall mean the end, abolishment or annulment of any agency or the act of causing the existence to cease.

Section 3. The following agencies shall terminate or continue as provided herein in Sections 10, 11, and 14 of this Act.

(a) October 1, 1977, shall be the termination date for:

1. Board of Agriculture and Industries — created by Title 2, Section 25, Code of Alabama 1940, 1939.

2. Farmers' Market Authority — created by Act No. 672, S. 99 of the 1965 Regular Session (Acts 1965, p. 1208), 1965.

3. Department of Labor — created by Act No. 198, S. 341 of the 1943 Regular Session, (Acts 1943, p. 252), 1943.

4. Department of Industrial Relations — created by Title 26, Section 1, Code of Alabama 1940, 1939. (And boards — created by Title 26, Section 25, Code of Alabama 1940, 1939.)

5. Advisory Council — created by Title 26, Section 231 of Code of Alabama 1940, 1939.

6. Department of Examiners of Public Accounts — created by Act No. 351, S. 66, 1947, Regular Session (Acts 1947, p. 231, 1947.)

7. Board of Appeals — created by Titie 26, Section 8, Code of Alabama 1940, 1939.

8. Alabama Securities Commission — created by Act No. 740, H. 189 of 1969 Regular Session (Acts 1969, v. II, p. 1315), 1969.

9. Continuing Interim Committee on Finance and Taxation — created by Act No. 949, SJR 130, 1975 Regular Session (Acts 1975, p. 1984-1985), 1975.

10. Alabama Liquefied Petroleum Gas Board — created by Act No. 220, H. 162, 1965 Regular Session (Acts 1965, v. I, p. 305), 1965.

11. Alabama Board of Cosmetology—created by Act No. 653, H. 489 of the 1957 Regular Session (Acts 1957, v. II, p. 981), 1957.

12. Board to Examine Entomologists, Horticulturists, Floriculturists, and Tree Surgeons — created by Title 2, Section 671, Code of Alabama 1940, 1939.

13. Boxing and Wrestling Commission — created by Title 55, Section 347 of the Code of Alabama 1940, 1939.

14. State Board of Veterinary Medical Examiners — created by Title 46, Section 313, Code of Alabama 1940, as amended, and Act No. 1224, S. 660 of the 1975 Regular Session.

15. State Board of Examiners of Speech Pathology and Audiology — created by Act No. 90, S. 102 of the 1975 Fourth Special Session.

16. State Ethics Commission — created by Act No. 130, H. 240 of the 1975 Regular Session. (Supersedes Act No. 1056 of the 1973 Regular Session.) 1973.

17. Air Pollution Control Commission — created by Act No. 769, H. 702 of the 1971 Regular Session (Acts 1971, v. II, p. 1481), 1971.

18. Alabama Commission on Intergovernmental Cooperation — created by Act No. 882, H. 892, of the 1965 Regular Session (Acts 1965, v. II, p. 1659).

(b) October 1, 1978, shall be the termination date for:

1. Alabama Board of Examiner in Psychology — created by Act No. 78, S. 72 of the 1961 Regular Session (Acts 1961, v. II, p. 1955), 1961.

2. State Board of Medical Examiners — created by Act No. 161, H. 165 of the Third Special Session of 1975.

3. Alabama Board of Funeral Service — created by Act No. 214, S. 326 of the 1975 Regular Session.

4. Board of Nursing and the Advisory Councils for Nursing — created by Act No. 427, H. 234 of the 1975 Regular Session.

5. Fire Fighters Personnel and Education Commission — created by Act No. 863, S. 441 of the 1975 Regular Session.

6. Alabama Peace Officers Standards and Training Commission — created by Act No. 1981, H. 732 of the 1971 Regular Session (Acts 1971, v. IV, p. 3224) 1971.

7. State Polygraph Examiners Board — created by Act No. 2056, H. 399 of the 1971 Regular Session (Acts 1971, v. IV, p. 3307), 1971.

8. Alabama Real Estate Commission — created by Act No. 422, H. 325 of the 1951 Regular Session (Acts 1951, p. 745) and as amended and reenacted by Act No. 162, H. 166 of the Third Special Session of 1975.

9. Board of Certification of Water and Waste Water Systems Personnel — created by Act No. 1594, H. 434 of the 1971 Regular Session (Acts 1971, v. IV, p. 2728), 1971.

10. Alabama State Bar — created by Title 46, Section 21, Code of Alabama 1940, 1923.

11. Board of Bar Examiners — created by Act No. 436 of the 1949 Regular Session (Acts 1949, p. 632), 1949.

12. State Board of Barber Examiners — created by Act No. 403, H. 330 of the 1971 Regular Session (Acts 1971, v. I, p. 689), 1971.

13. Alabama Board of Hearing Aid Dealers — created by Act No. 2425, H. 392 of the 1971 Regular Session (Acts 1971, v. V, p. 3858), 1971.

14. Board of Dental Examiners — created by Act No. 100, S. 68 of the 1959 Regular Session (Acts 1959, v. I, p. 569), 1959.

15. Board of Physical Therapy — created by Act No. 476, H. 8 of the 1965 Regular Session (Acts 1965, v. I, p. 686), 1965.

16. State Board of Examiners of Nursing Home Administrators — created by Act No. 986, S. 77 of the 1969 Regular Session (Acts 1969, v. II, p. 1734), 1969.

17. Board of Registration for Sanitarians — created by Act No. 209 of the 1964 First Special Session (Acts 1964, p. 279), 1964.

18. Board of Examiners of Mine Personnel — created by Act No. 207, S. 134 of the 1949 Regular Session (Acts 1949, p. 242), 1949.

19. Board of Medical Technicians Examiners — created by Title 46, Section 151, Code of Alabama 1940, 1937.

20. Board of Nursing (Act No. 427, H. 234 of the 1975 Regular Session) — created by Act No. 867, S. 210 of the 1965 Regular Session (Acts 1965, p. 1615).

21. Board for Registration of Architects — created by Title 46, Section 10, as amended, Code of Alabama 1940, 1931.

22. Board of Examiners of Landscape Architects — created by Act No. 2396, H. 609 of the 1971 Regular Session (Acts 1971, v. V, p. 3819), 1971.

23. State Board of Chiropractic Examiners — created by Act No. 108, H. 152 of the 1959 Regular Session (Acts 1959, v. I, p. 612), 1959.

24. State Board of Embalming — created by Title 46, Section 121 of the Code of Alabama 1940, 1894 (merged into Alabama Board of Funeral Service).

25. State Board of Medical Examiners — created by Title 46, Section 258, Code of Alabama 1940, (1877), as amended, and Act No. 161 of the Third Special Session of 1975.

26. State Board of Optometry — created by Title 46, Section 190, Code of Alabama 1940, (1919), and Act No. 1148, H. 600 of the 1975 Regular Session.

27. State Board of Pharmacy — created by Act No. 147, H. 25 of the Third Special Session 1975, and Act No. 205, S. 134 of the 1966 Special Session (Acts 1966, p. 231), 1966.

28. Alabama State Board of Public Accountancy — created by Title 46, Section 2, as amended, Code of Alabama 1940, 1919.

29. State Board of Registration for Foresters — created by Act No. 533, S. 166 of the 1957 Regular Session (Acts 1957, v. II, p. 750,)1957.

30. State Board for Registration of Professional Engineers and Land Surveyors — created by Act No. 79, S. 76 of the 1961 Regular Session (Acts 1961, v. II, p. 1975), 1961.

31. State Licensing Board for General Contractors — created by Title 46, Section 66, Code of Alabama 1940, 1935.

32. State Licensing Board for the Healing Arts — created by Act No. 106, H. 150 of the 1959 Regular Session (Acts 1959, v. I, p. 590), 1959.

33. State Pilotage Commission — created by Title 38, Section 46, Code of Alabama 1940, 1852.

34. Judicial Commission — created by Act No. 1187, S. 208 of the 1971 Regular Session (Acts 1971, v. III, p. 2049), 1971.

(c) October 1, 1979, shall be the termination date for:

1. Department of Public Safety — created by Act No. 585, H. 798 of the 1953 Regular Session (Acts 1953, p. 828), 1953.

2. Alabama Law Enforcement Planning Agency — created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

3. State Supervisory Board of Alabama Law Enforcement Planning Agency — created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

4. Regional Planning Boards — created by Executive Order No. 8, dated November 14, 1968, Executive Order No. 11, dated April 22, 1969 and Executive Order No. 6, dated March 4, 1971.

5. Department of Civil Defense — created by Act No. 47, S. 65 of the 1955 First Special Session (Acts 1955, p. 267).

6. Civil Defense Advisory Council — created by Act No. 47, S. 65 of the 1955 First Special Session (Acts 1955, p. 267).

7. Criminal Justice Information Systems Center — created by Act No. 872, S. 711 of the 1975 Regular Session.

8. Office of Toxicologist — created by Title 14, Section 387 through Section 390, Code of Alabama 1940, 1935.

9. State Safety Coordinating Committee — created by Act No. 92 of the 1965 First Special Session (Acts 1965, p. 107), 1965.

10. Board of Corrections of Alabama — created by Act No. 202, S. 27 of the 1953 Regular Session (Acts 1953, v. I, p. 267).

11. State Board of Pardons and Paroles — created by Title 42, Section 1, Code of Alabama 1940, 1939.

12. Department of Conservation and Natural Resources — created by Act No. 987, H. 1049 of the 1971 Regular Session (Acts 1971, v. III, p. 1763), 1971.

13. Alabama Surface Mining Reclamation Commission — created by Act No. 551, S. 887 of the 1975 Regular Session.

14. Alabama State Guard — created by Act No. 1038, H. 1005 of the 1973 Regular Session (Acts 1973, v. III, p. 1572), 1973.

15. Department of Veteran's Affairs — created by Act No. 173, H. 311 of the 1945 Regular Session (Acts 1945, p. 304), 1945.

16. State Board of Veteran's Affairs — created by Act No. 173, H. 311 of the 1945 Regular Session (Acts 1945, p. 304), 1945.

17. Armory Commission of Alabama — created by Title 35, Section 186 of the Code of Alabama 1940, 1927.

18. Alabama State Docks Department — created by Act No. 103, H. 230 of the 1955 Regular Session (Acts 1955, p. 345), 1955.

(d) October 1, 1980, shall be the termination date for:

1. State Board of Health — created by Title 22, Section 1, Code of Alabama 1940, 1919.

2. State Health Planning and Development Agency — created by Act No. 1197, H. 1433 of the 1975 Regular Session.

3. Statewide Health Coordinating Council — created by Act No. 1197, H. 1433 of the 1975 Regular Session.

4. State Committee of Public Health — created by Act No. 762 of the 1973 Regular Session.

5. Department of Mental Health — created by Act No. 881, H. 699 of the 1965 Regular Session (Acts 1965, v. II, p. 1649), 1965.

6. Alabama Mental Health Board — created by Act No. 881, H. 699 of the 1965 Regular Session (Acts 1965, v. II, p. 1649), 1965.

7. State Department of Pensions and Security — created by Act No. 341, H. 17 of the 1955 Regular Session (Acts 1955, v. II, p. 763), 1955.

8. State Board of Pensions and Security — created by Act No. 341, H. 17 of the 1955 Regular Session (Acts 1955, v. ii, p. 763), 1955.

9. Alabama Water Wells Standards Board — created by Act No. 1516, H. 1864 of the 1971 Regular Session (Acts 1971, v. IV, p. 2630), 1971.

10. Board for Distribution and Delivery of Dead Bodies — created by Title 22, Section 174 of the Code of Alabama 1940, 1923.

11. Governors Committee on Employment of the Handicapped — created by Act No. 226, H. 201 of the 1965 Regular Session (Acts 1965, v. I, p. 323), 1965.

12. Radiation Control Agency — created by Act No. 582, H. 122 of the 1963 Regular Session (Acts 1963, v. II, p. 1269), 1963.

13. Radiation Advisory Board — created by Act No. 582, H. 122 of the 1963 Regular Session (Acts 1963, v. II, p. 1269), 1963.

14. State Forestry Commission — created by Act No. 764, H. 673 of the 1969 Regular Session (Acts 1969, v. II, p. 1354), 1969.

15. Water Improvement Commission — created by Act No. 1260, S. 79 of the 1971 Regular Session (Acts 1971, v. III, p. 2175), 1971.

16. State Highway Department — created by Title 23, Section 1, Code of Alabama 1940, 1939.

17. Highway Finance Corporations

Alabama State Highway Corporation — created by Act No. 44 and Act No. 181 of the 1935 Regular Session, 1935.

Alabama Bridge Commission — created by Title 23, Section 97, Code of Alabama 1940, 1939.

Alabama Highway Finance Corporation — created by Act No. 228 of the 1965 Regular Session (originally created 1943).

Alabama Highway Authority — created by Act No. 43, H. 3 of the 1955 First Special Session (Acts 1955, v. I, p. 66), 1955.

Alabama Turnpike Authority — created by Act No. 166, H. 232 of the 1955 Regular Session (Acts 1955, v. I, p. 412), 1955.

Dauphin Island Bridge Authority — created by Act No. 447, H. 269 of the 1966 Special Session (Acts 1966, p. 605), 1966.

18. State Oil and Gas Board — created by Act No. 1, H. 46 of the 1945 Regular Session (Acts 1945, p. 1), as amended, 1945.

19. State Toll Bridge Authority — created by Act No. 734, H. 23, of the 1969 Regular Session (Acts 1969, v. II, p. 1289), 1969.

20. Alabama Department of Aeronautics — created by Act No. 402, S. 217, 1945 Regular Session (Acts 1945, p. 620), 1945.

21. Alabama Dairy Commission — created by Act No. 408, H. 815 of the 1971 Regular Session (Acts 1971, v. II, p. 1069), 1971.

22. State Banking Department — created by Act No. 204, H. 30 of the 1955 Regular Session (Acts 1955, v. I, p. 497), 1955.

23. Banking Board — created by Title 5, Section 6, (1939),

24. Savings and Loan Board — created by Title 5, Section 244, as amended, 1939.

25. Credit Union Board — created by Act No. 2293, H. 221 of the 1971 Regular Session (Acts 1971, v. V, p. 3694), 1971.

26. Alabama Public Service Commission — Created by Title 48, Section 1, 1881.

27. Alabama Alcoholic Beverage Control Board — created by Title 29, Section 3, Code of Alabama 1940, 1937 —

28. Department of Insurance — Created by Act No. 407, H. 198, 1971 Regular Session (Acts 1971, v. II, p. 707), 1971.

Any state agency existing on the date of the passage of this act and not specifically listed in this act shall be terminated on October 1, 1978, and the provisions hereof shall apply to them as if they were enumerated herein and acted on by the Legislature and Governor as provided herein.

But, however, no state agency shall be terminated unless it has first been reviewed by the select joint committee created herein.

Any entity, which receives state funds of whatever nature,

existing on the date of the passage of this act and not specifically listed in this act shall be subject to a performance audit by the joint committee at such times and in such manner as it deems appropriate. Any such agency shall be required to furnish any information or records requested by the committee. Provided, however, that no agency or bureau referred to herein shall be terminated except by action of both houses of the Legislature and compliance with Article 5, Section 125, of the Constitution of Alabama.

Section 4. Legislative committee review of state agencies shall begin at least four months prior to the regular legislative session next preceding the date upon which the agencies are scheduled to terminate pursuant to Section 3, and shall conclude with a recommendation for continuation or termination on or before the first legislative day immediately following said review.

Section 5. Any agency specified in Section 3 which is terminated shall have a period of 180 days from the date of termination for the purpose of ceasing its affairs, and termination shall not reduce or otherwise limit the powers, duties or functions of each in this regard. Upon the expiration of this 180-day period, the specified agency, and its personnel positions shall be abolished with all unexpended funds reverting back to the state fund from which that appropriation was made.

Section 6. The life of any agency scheduled for termination under this act may be continued on a roll-call vote of the legislature, as provided herein, after which time review and evaluation pursuant to the provisions of this act shall be repeated. Any newly created agency shall have a life, stated in its enabling legislation, not to exceed four years and shall be subject to the provisions of this act.

Section 7. Pursuant to the language of Section 4, the legislative committees reviewing such agencies, shall hold public hearings and receive testimony from the public and all interested parties. All agencies shall bear the burden of establishing that sufficient public need is present which justifies their continued existence. All agencies shall provide the reviewing and evaluating committee with the following information:

(1) The identity of all agencies under the direct or advisory control of the agency under review:

(2) All powers, duties and functions currently performed by the agency under review;

(3) All constitutional, statutory, or other authority under

which said powers, duties and functions of the agency are carried out;

(4) Any powers, duties or functions which, in the opinion of the agency under review, are being performed and duplicated by another agency within the state including the manner in which, and the extent to which, this duplication of efforts is occurring and any recommendations as to eliminating the duplication;

(5) Any powers, duties or functions which, in the opinion of the agency under review, is inconsistent with current and projected public needs and which should be terminated or altered; and

(6) Any other information which the reviewing committees, in their discretion, feel is necessary and proper in carrying out their review and evaluative duties.

Section 8. In said public hearings, the determination as to whether a sufficient public need for continuance is present shall take into consideration the following factors concerning the agency under review and evaluation:

(1) The extent to which any information required to be furnished to the reviewing committees pursuant to Section 7 has been omitted, misstated, or refused, and the extent to which conclusions reasonably drawn from said information is adverse to the legislative intent inherent in the powers, duties, and functions as established in the enabling legislation creating said agency, or is inconsistent with present or projected public demands or needs;

(2) The extent to which statutory changes have been recommended which would benefit the public in general as opposed to benefitting the agency;

(3) The extent to which operation has been efficient and responsive to public needs;

(4) The extent to which it has been encouraged that persons regulated report to the agency concerning the impact of rules and decisions regarding improved service, economy of service, or availability of service to the public;

(5) The extent to which the public has been encouraged to participate in rule-and-decision-making as opposed to participation solely by persons regulated;

(6) The extent to which complaints have been expeditiously processed to completion in the public interest; and

(7) The extent to which the division, agency or board has permitted qualified applicants to serve the public;

(8) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the agency or the industry it regulates;

(9) Any other relevant criteria which the reviewing committees, in their discretion, deem necessary and proper in reviewing and evaluating the sufficient public need for continuance of the respective agency.

Section 9. In conjunction with the criteria enumerated in Section 8, one criterion which shall be used in determining sufficient public need in such public hearings shall be a "zero-based review and evaluation." A "zero-based review and evaluation" shall be a comprehensive review and evaluation to determine if the merits of the agency support continuation rather than termination and reach a finding as to what amounts of funding, if any shall be authorized to produce correspondingly greater or lesser levels of responsibility and service output. Such a procedure shall necessitate the review and evaluation of all powers, duties and functions which currently are exercised by the agency as well as any request for additions to said powers, duties or functions when reviewing the sufficient public need of the agency. Said "zero-based review and evaluation" shall include, but not be limited to, the following factors:

(1) An identification of other agencies having the same or similar objective, along with a comparison of the cost and effectiveness of said agencies, and any duplication of the agency under review;

(2) Any identification of any agency which has not received and expended state tax dollar revenues within a period of two years prior to said hearings;

(3) An examination of the extent to which the objectives of the agency have been achieved in comparison with the objectives as initially set forth in the enabling legislation and an analysis of any significant variance between projected and actual performance;

(4) A specification, to the extent feasible, in quantitative terms, of the objectives of said agency for the next four years; and

(5) An examination of the impact of said agency on the economy of the state.

Section 10. A select eleven-member joint committee shall be named no later than September 1, 1976.

However, in the event that the 1976 Regular Session of the Alabama Legislature adjourns sine die before the elections provided for herein can be held, then, in that event, the Speaker of the House of Representatives and the President of the Senate

shall respectively appoint two members each to fill the elected positions provided for in each house and the persons so appointed shall serve until such time as the Alabama Legislature is next in session when the elections shall be held as provided herein.

In addition to the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Ways and Means Committee, two members of the House and two members of the Senate shall be elected in the same manner as the elected members of the Legislative Council by the respective Houses. The eleventh member shall be appointd by the Governor. The Chairman of the House Ways and Means Committee shall serve as the Chairman of the select joint committee the first year and the second year the Chairman of the Senate Finance and Taxation Committee shall serve as Chairman of the select committee; each year thereafter the Chairman of the House Ways and Means Committee and the Chairman of the Senate Finance and Taxation Committee shall alternate as Chairman of the select joint committee created herein. Four members appointed, two from the Alabama Senate, two from the Alabama House of Representatives, by the presiding officer of said elected bodies.

Said select joint committee shall be charged with the duty of assisting in the impiementation of the procedures of this act and shall be charged with the duty of establishing administrative procedures which shall facilitate the review and the evaluation procedure as provided for in this act.

The committee shall submit its report to the offices of the Speaker and the President for distribution to legislators and the Governor on, or before, the first legislative day of the ensuing regular legislative session. The committee shall submit a report of its recommendations to the legislature in the form of a resolution that the legislature may vote to accept or reject the recommendation with respect to each agency. If the committee's recommendation is that the agency be continued and the legislature votes to accept the recommendation, such agency shall be continued. If the Legislature votes not to accept the recommendation, then the agency shall terminate, if the committee's recommendation is that the agency be terminated, and the legislature votes to accept the recommendation, such agency shall be terminated upon the date specified in Section 3 of this act.

If the Legislature votes not to accept the recommendation, then the agency shall be continued. All action of the Legislature is subject to Article 5, Section 125, of the Constitution of Alabama. The committee shall file with its report data in support of its recommendations with respect to each agency. The committee shall use Sections 8 and 9 hereof as the guideline in preparing its report.

The committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature. There shall be no limitation upon the number of days the committee or any subcommittee thereof shall meet; provided, however, the members shall be entitled to payment only for the days they are actually engaged in committee business.

Section 11. On the tenth legislative day of the regular session, one hour after the last House convenes, voting in the respective houses of the legislature on the joint committee's recommendations shall commence and thereafter shall continue, from day to day until voting on all the recommendations with respect to each agency are completed, as the first order of business. Termination or continuance of any agency, unit or subunit shall be by simple majority roll-call vote of both House and Senate; provided, however, that debate on the termination or continuance of any agency, unit or subunit shall not continue beyond the period of two hours from the start of debate on each vote and a recorded vote must be taken at the expiration of said debate.

Debate as used in this section shall mean two hours total time allocated for discussion on each agency considered for continuance. At the end of this two-hour period of time allocated, which shall be continuous and uninterrupted, it shall be mandatory that the President of the Senate and the Speaker of the House shall, in their respective houses call for a recorded vote on whether to continue the agency in question.

Section 12. The Examiners of Public Accounts and Legislative Fiscal Office of the state shall furnish, upon request of the reviewing and evaluating committees, any relevant information including the results of prior audits and reviews of any agency under review.

Section 13. The Governor is urged to utilize the principles of "zero-based review and evaluation" for each state agency in his preparation of the budget for each fiscal year and to include such analysis, together with this recommendations, in his transmission of the budget to the legislature.

Section 14. No more than one agency shall be continued terminated or reestablished in any one resolution as provided for in Section 10 and such agency shall be mentioned in the resolution's title, as provided by law. Such resolution shall be governed by Article 5, Section 125, of the Constitution of Alabama.

Section 15. This act shall not cause the dismissal of any claim or right of citizen against any state agency terminated

pursuant to the provisions of this act which is subject to administrative hearing or litigation.

Section 16. Nothing in this act shall be construed to abrogate any powers, duties or functions of any agency established by the people of Alabama in the Constitution of 1901. If any provision of this act or the application thereof to any person or circumstance is held invalid, it shall be the intent of the legislature that the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application. To this end the provisions of this act are declared severable.

Section 17. All laws or parts of laws which conflict with this act are hereby repealed.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 513 H. 1137—Callahan

AN ACT

Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and serving his or her term in the county jail of any such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having a population of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent federal decennial census.

Section 2. Definitions as used in this act, certain terms shall have the following meaning: (1) "board" shall mean county rehabilitation board composed of the Sheriff, the Juvenile Court Judge and the Circuit Clerk. (2) "inmate" shall mean a person either male or female, convicted of a crime and who is serving their time in the county jail.

Section 3. Extended limits of confinements. The board shall adopt regulations and policies permitting the Sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his

trust, by authorizing him under prescribed conditions, to leave the confines of the county jail unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the county jail in which he shall be confined except during the hours of his employment or seeking employment and traveling thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Sheriff.

Section 4. Wages. The employer of an inmate involved in the work release program shall pay the inmate's wages direct to the board. The board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The board is authorized to withhold from an inmate's earnings 35% of his or her gross earnings to pay such cost incident to the inmate's confinement. After 35% has been deducted from the inmate's gross pay, the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his or her release from confinement shall be turned over to the inmate. The board may elect, however, to pay the remaining 65% of the inmate's earnings to his family to be used by them for their support while the inmate is confined, provided the inmate consents to such payment in writing.

Section 5. Escape. The willful failure of an inmate to remain within the extended limits of his confinement or to return to the county jail within the time prescribed by the Sheriff shall be deemed as an escape from the custody of the Sheriff and shall be punishable as prescribed by Title 14, Section 151 (1) code of Alabama.

Section 6. Investigation and recommendation. Employees of the board or persons designated by the board in writing are authorized to make investigations and recommendations pertaining to the validity of request for job opportunities for inmates and to otherwise assist the Sheriff in the implementation of the program herein authorized.

Section 7. Securing employment. The board or members of the board or employees of the program shall endeavor to secure employment for eligible inmates under this act, subject to the following: (1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such an area;

(2) Such employment shall not result in the displacement of employed workers;

(4) Exploitation of eligible inmates, in any form, is pro-

hibited either as it might affect the community, the inmates, the board or employees of the board.

Section 8. Education. The board, at its discretion, may also allow an inmate to participate in the release program to further the rules and regulations prescribed for other inmates participating in the work release program.

Section 9. Furloughs. The board may adopt rules and allow the Sheriff to grant furloughs or leave time not to exceed three consecutive days or 72 hours to inmates who the board deems are deserving.

Section 10. Inmates not an agent of State or County. No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee, or involuntary servant of the board, State, or County, while involved in the free community or while going to and from employment or other specified areas or while on furlough.

Section 11. Reports. The Sheriff or other person designated by the board shall prepare reports to be filed with the board. The frequency of these reports to be determined by the board.

Section 12. Penalty clause. Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws which conflict with this act are repealed.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 514 **H. 1151—Folmar**

AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama; providing for the repeal of all laws or parts of laws in conflict herewith; and prescribing the time when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Troy, in the County of Pike and State of Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said City, in addition to the lands now included, all of the following territory, namely:

Commencing at the intersection of the east line of Section 25, Township 10 North, Range 20 East, and the south right of way of the Shellhorn Highway (Pike County Highway No. 1); thence Northerly along the section line and the present city limits to the northeast corner of the NE ¼ of the SE ¼, Section 25, Township 10 North, Range 20 East; thence North 77 degree 57' West 1577.0 feet; thence South 9 degree 21' West 2221.2 feet to the north right of way of the Shellhorn highway; thence Northwesterly along the north right of way of the Shellhorn Highway to the east line of the NE ¼ of the SW ¼ of Section 25, Township 10 North, Range 20 East; thence Northerly along the forty line to the northeast corner of the SE ¼ of the NW¼ of Section 25, Township 10 North, Range 20 East thence Westerly along the forty line to the centerline of the Old Blind Jack Road (now abandoned); thence Southwesterly along the centerline of said Old Blind Jack Road to the north right of way of the Shellhorn Highway; thence Northwesterly along the highway right of way 516 feet; thence North 13 degree 50' East 587.2 feet; thence South 73 degree 01' West 416.3 feet; thence North 8 degree 18' East 143.0 feet; thence North 24 degree 17' East 918.8 feet; thence North 58 degree 58' West to the north line of Section 26, Township 10 North, Range 20 East; thence Westerly along the section line to the southeast corner of the SW ¼ of the SE ¼ of Section 23, Township 10 North, Range 20 East; thence Northwesterly and parallel to the Shellhorn Highway to the centerline of Conecuh River; thence Southwesterly along the centerline of Conecuh River to the centerline of the Shellhorn Highway; thence Southeasterly along the centerline of the Shellhorn Highway 600 feet; thence Southwesterly and perpendicular to said highway for a distance of 750 feet; thence Southeasterly and parallel to the Shellhorn highway to the southline of Section 23, Township 10 North, Range 20 East; thence Easterly along the section line to the northwest corner of the NW ¼ of the NE ¼, Section 26, Township 10 North, Range 20 East; thence Southerly along the forty line to the Southwest corner of said forty; thence Southeasterly to the southeast corner of the N ½ of the SW ¼ of the NE ¼, Section 26, Township 10 North, Range 20 East; thence East to the south right of way of the Shellhorn Highway; thence Southeasterly along the highway right of way to its intersection with the east line of Section 25, Township 10

North, Range 20 East, and the point of beginning. Said lands lying and being situated in Sections 23, 25, and 26, Township 10 North, Range 20 East, Pike County, Alabama, and containing 415 acres, more or less.

Section 2. That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the City of Troy during the time such land is used for farming purposes.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 515 H. 1267—Hines

AN ACT

Relating to Escambia County; to abolish the jury commission of said county and create in lieu thereof a jury board, providing for the appointment of the members and clerks and assistants thereof, and for their qualifications, duties, compensation, and tenure.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission of Escambia County is hereby abolished and in lieu thereof there is hereby created a jury board for said county which shall be composed of ten members appointed by the county board of appointment as herein provided. The circuit judge, the probate judge and the tax assessor shall constitute the board of appointment for Escambia County. The circuit judge shall be the chairman of the board of appointment and said board shall appoint the membership of the jury board hereby created as follows:

1 jury commissioner representing precincts six and eight,

1 jury commissioner representing precincts one, nine and two,

1 jury commissioner representing precincts five and eleven,

1 jury commissioner representing precinct four

2 jury commissioners representing precinct seven

2 jury commissioners representing precinct three

2 jury commissioners representing precinct ten.

Section 2. The members of the jury board shall serve at the pleasure of the board of appointment and shall serve for terms of four years until their successors are appointed and qualified or for a shorter term if dismissed for cause by the unanimous action of the board of appointment. Vacancies shall be filled by the board of appointment as soon as possible upon the occurrence of any vacancy. Any commissioner of the jury board who moves his residence from the precinct or precincts which he represents thereby automatically vacates his office. Members of the jury board shall not hold any other public office or any political party office, nor shall they be employed by any governmental unit in any other capacity.

Section 3. (a) The jury board shall select from among its members a chairman at the first regular meeting of each year. The board shall meet at least twice a year for regular meetings not to exceed four successive calendar days per meeting unless authorized by the board of appointment. The chairman shall be authorized, with consent of the board of appointment, to call special meetings of the jury board. The chairman shall notify all members of the jury board, within a reasonable time, of all meetings, regular or special, including the time, place and subject matter of the meeting.

(b) Six members present at any meeting shall constitute a quorum for the transaction of business and a majority vote thereof shall be sufficient to transact the business of the jury board.

(c) The jury board shall perform the duties required by law of jury commissions, and shall have and exercise the powers and authority of such commission.

Section 4. Each member of the jury board shall be entitled to receive $30.00 for each day he is actually engaged in the performance of his duties plus mileage on the same basis as mileage allowed to employees of the State of Alabama. Such compensation shall be paid by the county on certificate of the chairman of the jury board.

Section 5. Immediately upon the appointment of the jury board under the provisions of this act the clerk of the circuit court is directed to mail to each member of the said jury board a list of registered voters in each member's precinct or precincts along with other suggested sources of names of prospective jurors and in addition the clerk of the circuit court is to provide each member of said board with a copy of the statutory qualifications for jurors and also a copy of persons exempt from jury duty by statute in order that said member of the jury board might ascertain the names of qualified jurors in

their respective precinct or precincts prior to going into formal session under the provisions of this act and thereby expedite the business of the said jury board once it meets in formal session to fill the jury box.

Section 6. The clerk of the circuit court of the county may, at his election, serve as clerk for the jury board. If for any reason the circuit clerk does not choose to serve, the jury board shall appoint a clerk. The clerk shall perform the duties prescribed by law for clerks of jury commissions, and shall keep the minutes and records of the board. He shall be paid $1,000.00 per year, payable in equal monthly installments from the county general fund.

Section 7. The board of appointment provided for in Section 1 shall meet within ten days from the effective date of this act, and at a time and place designated by the chairman, and select members of the jury board as herein provided, whose terms shall begin on the date such meeting is held.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 516 H. 1266—Hines

AN ACT

Relating to Escambia County; providing salaries for the chairman and associate members of the Escambia County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the Escambia County Commission shall be entitled to an annual salary of Ten Thousand Five Hundred Dollars ($10,500.00) payable from the county treasury in equal monthly installments.

Section 2. The associate members of the Escambia County Commission shall be entitled to an annual salary of Nine Thousand Five Hundred Dollars ($9,500.00) payable from the county treasury in equal monthly installments.

Section 3. The salaries provided for by this Act shall be in lieu of all other salaries received by such officials but shall be in addition to any expense allowances heretofore provided for by law for such officials.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall take effect at the expiration of the terms of the incumbent commissioners.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 517 H. 1265—Hines

AN ACT

To amend Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County; to provide that the municipality of Riverview shall receive a share of the proceeds of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 575, H. 966, 1953 Regular Session (Acts 1953, p. 818) which act levies a tax on malt or brewed beverages sold in Escambia County, is amended to read as follows:

"Section 9. (a) The license tax imposed by this Act shall be paid to the Judge of Probate and the Judge of Probate after first reimbursing the County General Fund for expenses incurred in the administration and enforcement of this Act, and after deducting for his own use and benefit the commission as hereinafter provided, shall, between the eleventh and twentieth of each month distribute the remainder of the proceeds of said tax in the following manner: Sixty percent to be prorated among the municipalities within the county which were levying a tax on malt or brewed beverages as of July 1, 1953, and the municipality of Riverview, upon the basis of their respective populations according to the federal census; and forty percent to be prorated among the city and county boards of education for educational purposes on the basis of the previous year's net enrollment of pupils.

(b) For his services as provided in this Act the Judge of

Probate shall be entitled to a commission of two and one-half percent (2½%) of the amount of tax collected by him."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 518 H. 1264—Hines

AN ACT

Relating to Escambia County; to alter rearrange and extend the boundary lines and corporate limits of the Town of Riverview.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Riverview in Escambia County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the Town the following described property:

Tract 1: E½ of W½ and E½ lying South of Conecuh River in Section 8, Township 1 North, Range 10 East: 270 acres.

Tract 2: W½ of W½, NE¼ of SW¼, and NW¼ of SE¼ lying South of the Conecuh River in Section 9, Township 1 North, Range 10 East: 125 acres.

Tract 3. NW¼ of NW¼ (except the S½ of the SE¼ of the NW¼); NW¼ of NE¼ of NW¼ in Section 16, Township 1 North, Range 10 East: 45 acres.
Tract 4: NE¼ of NE¼; W½ of NE¼; and E½ of NW¼, Section 17, Township 1 North, Range 10 East: 200 acres.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 519 H. 1168—Falkenburg, Biddle, Porter, Hopping, Hall, Waggoner, Moore (O), Andrews, McNair

AN ACT

To provide for the relief of Charles John Salors by granting to him the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Be It Enacted by the Legislature of Alabama:

Section 1. As herein used, the following terms have the meanings hereby given them, unless the context shows a different meaning is intended: "the City" means the City of Birmingham; "the pension laws" means Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, (Ala. Acts, 1951, page 1579, et seq.), as amended; "the pension system" means the pension system the pension law established; "the pension board" means the Board of Trustees the pension law established; "the extraordinary disability allowance" means the allowance the pension law provides for a member disabled to perform his City duties by an accident occurring while he is serving the City; "the twelve months limitation" means the provision in subsection (b) of Section 14 of the pension law, as amended by Section 3 of Act No. 1209 of the Regular Session of the Legislature of 1969 that no extraordinary disability allowance shall be granted except by resolution of the pension board "passed within twelve months after the accident resulting in disability" (Ala. Acts, 1969, pp. 2265-2266); "the provision suspending benefits" means Section 19 of ARTICLE VI of the pension law, as amended by Act No. 1272 of the Regular Session of 1973 (Ala. Acts, 1973, pages 2147 and 2148); and "the civil service law" means the county-wide civil service law applying to the City, which is Act No. 248 of the Regular Session of the Legislature of 1945, as amended (Ala. Acts, 1945, pages 376-400).

Section 2. LEGISLATIVE FINDINGS AND DECLARATION OF PURPOSE. The Legislature has found the following: that while Charles John Salors, a member of the pension system, was serving the City as a painter, on May 21, 1970, an accident resulted in his suffering severe and painful injuries which, for more than six months, completely disabled him and confined him to a hospital bed or to a wheelchair in his home; that in December, 1970, he resumed the painter job with the City instead of requesting retirement on an extraordinary disability allowance; that he served the City as painter from December, 1970, until May 16, 1973, when the City assigned him to the job of watchman, which paid substantially less than the painter job; that Salors had permanent civil service status when the City removed him from the painter's job; that the

City accomplished Salors' removal by giving him a written notice on May 10, 1973 that he was removed from the painter's job and assigned to the job of watchman for the City effective May 16, 1973; that continuously since May 16, 1973, Salors has served the City as a watchman at a salary substantially less than the salary provided for by the painter's job; that in September, 1973, Salors filed with the pension board his application for extraordinary disability allowance; that while such application was pending the pension board received and considered the opinion of the City Physician, Dr. Allen R. Dimick, declaring that Salors had become, and at the time of said opinion was, disabled to perform his duties as a painter as a result of the injuries he received in said accident; that in October, 1973, the pension board informed Salors that the twelve months limitation barred him from receiving the extraordinary disability allowance, because more than twelve months had elapsed following the accident which disabled him; and that continuously since the City demoted Salors from his job as painter he has been, and is now, physically disabled to perform the duties of a painter as a result of said accident.

The Legislature has further found: that the circumstances which influenced and motivated Salors not to file his application for the service-connected disability allowance within the time permitted by the twelve months limitation are such that the application of such limitation to deny Salors such allowance is contrary to the purpose of said limitation and deprives Salors of an extraordinary disability allowance to which in fairness and justice he is entitled.

The purpose of the Legislature in adopting this Act is to relieve Salors from the grievous and oppressive hardship he has suffered from the twelve months limitation being applied to deprive him of the extraordinary disability allowance.

Section 3. (a). Subject to the provisions of subsection (b), next below, as soon as practical after adoption of this Act the pension board shall pay to Salors the extraordinary disability allowance at the rate and for the periods provided for by this subsection (a).

The rate of the said allowance shall be the same as the rate would have been had the pension board granted Salors an extraordinary disability allowance for his said injuries within twelve months after the accident disabling him occurred. The allowance shall be payable for these two periods: the First Period, which shall begin on May 16, 1973 (when the City removed Salors from the painter's job) and shall end on the date whereon the pension board makes the lump sum payment for which the sentence next following provides; and the Second Period, which shall begin on the date following the date whereon

said lump sum payment is made and shall end on the date whereon there exists any condition which the pension law provides shall terminate a service-connected disability allowance. As soon as practical after adoption of this Act, the pension board shall make the lump sum payment covering the First Period. During the Second Period the pension board shall monthly pay to Salors the allowance at the same time the board pays other extraordinary disability allowances accruing under the pension law.

(b) The payments provided for in subsection (a), next above, shall be subject to all conditions and limitations this subsection (b) prescribes.

Anything in subsection (a), next above, to the contrary notwithstanding, the pension board shall not pay to Salors any allowance for the First Period, described in said subsection (a), or for any part of such period, during which the pension board shall find and declare by resolution, adopted by the Board, that Salors was not disabled to perform his duties as a painter with the City; provided, however, that before adopting any such resolution the board shall accord Salors a hearing on the question of whether he was disabled, as aforesaid, of which hearing the board shall give to Salors at least ten (10) days' written notice stating the time and place of the hearing and the question to be considered at said hearing.

The payments of the extraordinary disability allowance provided for by this Act shall be subject to all conditions and limitations this Section 3 of this Act imposes. Such payments shall also be subject to any and all other conditions and limitations the pension law imposes on the payment of the extraordinary disability allowance except to the extent that this Act provides that such conditions or limitations shall not apply.

Without limiting the generality of the two next foregoing sentences it is hereby expressly provided that the two sections of the pension law below named in this Section 3 shall apply to the allowance this Act grants to Salors.

The said allowance shall be subject to the provision of Section 9 of ARTICLE VI of the pension law that during the continuance of any disability the pension board may from time to time require further certification of disability by one or more licensed and practicing physicians or surgeons and may require such additional proof of the continuance of such disability as the board deems appropriate.

The provision suspending benefits shall not apply to prevent Salors from receiving the allowance this Act grants for, or during, the First Period described in subsection (a), next above; but the provision suspending benefits shall prevent the

payment to Salors of such allowance for, or during, any part of the Second Period described by said subsection (a) during which Salors is employed by the City, is due a salary from the City or has been paid a salary by the City.

Section 4. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 520 H. 1181—Johnson

AN ACT

To regulate further the issuance and execution of search warrants and authorizing the execution of search warrants at any time of the day or night, based on probable cause, in connection with the enforcement of laws relative to narcotics and controlled substances in circuits composed of one county and having not less than five nor more than seven circuit judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever any search warrant is directed to any sheriff, or to any constable of a county, commanding him to search a person, place or vehicle in any circuit composed of one county and having not less than five nor more than seven circuit judges, where the affidavits state probable cause for believing that a violation of the laws of this state relative to narcotics or controlled substances has occurred or is occurring and that evidence of such violation may be found on such person, or in such place or vehicle, then such warrant may be executed at any time of the day or night and the magistrate issuing such warrant shall state that such warrant may be executed at any time of the day or night.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 521 H. 1220—Rich

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; and providing for the compensation and expense allowance of the tax assessor and the tax collector in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In such counties, commencing with the next term of office of the tax assessor and the tax collector their salary shall be nine thousand six hundred dollars ($9,600.00) per annum payable out of the county general fund as are the salaries of other county officials.

Section 3. In the interim from the effective date of this act to the new term of office for the tax assessor and the tax collector, such officers shall be entitled to an expense allowance of twelve hundred dollars ($1,200.00) per annum to be expended in performing their official duties. Said expense allowance shall be payable out of the county general fund as are the expense allowances for other county officials.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or as provided for in this act, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 522 H. 1221—Rich

AN ACT

Repealing Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 118, H. 464 of the 1965 Regular Session (Acts 1965, Vol. I, p. 177) entitled, "An Act To provide transportation allowances for the chairman and members of the court of county commissioners, board of revenue, or other like governing body of counties having populations of not less than 16,150 nor more than 17,000, according to the most recent federal decennial census," is hereby repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 523 H. 1222—Rich

AN ACT

Relating to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census; providing for the duties and compensation of the chairman of the county governing body; providing for the compensation of associate commissioners of the county governing body; regulating the travel allowance for out of county travel for all members of the county governing body; and setting the times of meetings for the commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 15,400 nor more than 15,625 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties, commencing with the next term of office, the office and duties of the chairman of the county governing body shall be full time and he shall be paid an annual salary of nine thousand six hundred dollars ($9,600.00). Such annual salary shall be paid in equal monthly installments from the general fund of the county.

Section 3. In all such counties, commencing with the next term of office, the associate commissioners of the county governing body shall be paid an annual salary of six thousand dollars ($6,000.00). Such annual salary shall be paid in equal monthly installments from the general fund of the county.

Section 4. Commencing with the next term of office, in all such counties, in addition to the salaries provided for in this act, the chairman and associate commissioners of the

county governing body shall be entitled to an allowance of twelve cents ($0.12) per mile and any actual and necessary expenses for meals and lodging for travel out of the county in the performance of their official duties. Such additional allowance for out of county travel shall be based on the actual receipts for reimbursement and shall be drawn on warrants on the county treasury in the same manner now provided by law.

Section 5. The chairman and associate commissioners in such counties shall meet at least once each week, and at such other times as the commissioners may deem necessary, to transact county business.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws of parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 524 H. 1225—Rich

AN ACT

Relating to Cherokee County, Alabama; to create the Little River Preservation Commission to preserve the physical integrity of Little River Canyon and the water quality of Little River, East Fork of Little River, and West Fork of Little River in Cherokee County; to provide for the membership and organization of said Commission, to prescribe the powers, duties, and authority of said Commission; to authorize funding for the operation of said Commission; to require that a permit be obtained from the Commission before any surface mining activity is conducted within the regulated area; to enumerate certain reclamation requirements which shall be applicable to regulated areas and to Cherokee County generally; to prescribe legal remedies, enforcement provisions and penalties and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This act shall be known and may be cited as "The Little River Canyon Preservation Act of 1976."

Section 2. Declaration of Public Policy and Legislative Intent. It is the finding of this legislature that Little River Canyon and the surrounding area is one of the most extraordi-

nary natural areas in the Southeastern United States. Little River is reported to be the only river in the United States that has its origin and much of its flow along the top of a mountain. The scenic beauty of Little River and the exceptionally good water quality of Little River, the West Fork of Little River, the East Fork of Little River and their tributaries make the area a major tourist attraction and recreational area for the state. This legislature therefor declares that it is the policy of this state to protect Little River Canyon and the waters flowing into the Canyon from any and all mining activities that may harm or detract from the scenic and recreational value of this area. Particular concern is expressed for the emerging surface mining activities that are near the Canyon area. This Act shall be deemed an exercise of the police powers of the state for the welfare of the people of Alabama, to provide for the protection of Little River Canyon from improperly conducted mining activities in order to insure that this generation and future generations of Alabamians can enjoy the beauty of this natural area.

Section 3. Definitions. The following words and phrases shall have the following meanings: "Commission" shall mean the Little River Canyon Preservation Commission; "Operator" shall mean any person, firm, corporation, partnership, or any other entity conducting surface mining; and "Regulated area" shall mean the land area in Cherokee County one mile out from the banks of the Little River, West Fork of Little River and East Fork of Little River.

Section 4. The Little River Canyon Preservation Commission

(1) There is hereby created and established the Little River Canyon Preservation Commission for the purpose of implementing and enforcing this Act and carrying out its intent and policy.

(2) The Commission is to be composed of five (5) members including: (a) The Chairman of the Cherokee County Commission;

(b) The Health Services Administrator of the Cherokee County Health Department;

(c) One resident of Cherokee County who, by reason of his education, training, and/or experience can be classed as an expert in soil conservation; or

(d) One resident of Cherokee County who, by reason of his education, training and/or experience can be classed as one capable and experienced in the technology of earth grading, removal, and movement;

(e) One resident of Cherokee County who is an attorney, duly licensed to practice law in the State of Alabama; and

(f) One landowner who is a resident of Cherokee County and the regulated area.

(3) The Soil Conservation expert or the earthgrading and removal expert, and the attorney, during the period of their service on the Commission, may not be an agent, officer, stockholder, employee, independent contractor, or attorney of a coal company or surface mining company, nor may they, their spouses, or dependents have any monetary interest in the operation of a surface mining company or a coal company.

(4) The Chairman of the Cherokee County Commission and the Health Services Administrator of the Cherokee County Health Department shall serve on the Commission in an ex-officio capacity. The remaining members shall be appointed by the Cherokee County Commission for terms not to exceed the terms of the appointing officials. Members may be eligible for reappointment in the discretion of the Cherokee County Commission.

(5) All members of the Commission shall serve in said capacity without compensation.

(6) The Commission shall elect one of its members chairman, who shall be responsible for calling meetings of the Commission. Rules shall be promulgated by the Commission which shall provide reasonable notice of meetings to all members. A majority of the members of the Commission shall constitute a quorum. The Commission shall further adopt rules for its operation and management.

(7) The Commission shall have all powers necessary to accomplish its duties under this Act, including the power to promulgate any regulations necessary to implement the purpose and provisions of this Act.

(8) The Cherokee County Commission is authorized to provide funding for clerical assistants and for the operation of the Commission. The Little River Canyon Preservation Commission is authorized to receive funds from the county and from any other source. The Commission or its duly authorized representative shall disburse such funds to carry out its duties and may also disburse funds for reclamation of land within Little River Canyon and the regulated area and to make any other improvements to enhance the environmental well-being of the area.

(9) The Commission is authorized to study and investigate all problems concerned with the protection of Little River Canyon, the regulated area, and the waters within the regulated area.

(10) Any member of the Commission or its representative may enter upon any regulated lands at any reasonable time for the purpose of inspection to determine whether the provisions of this Act are being complied with.

Section 5. Permitting of Surface Mining Activities.

(1) Before any surface mining activity can be conducted within the regulated area, as defined by this Act, a permit must be obtained from the Little River Canyon Preservation Commission.

(2) (a) In order to obtain a permit for coal surface mining within the regulated area, an operator must submit to the Commission the following: a copy of its permit and license application, reclamation plan, maps, and other information prepared for the Alabama Surface Mining Reclamation Commission; a copy of the license and permit granted by the Alabama Surface Mining Reclamation Commission; a copy of the permit application submitted to the Alabama Water Improvement Commission; and a copy of the permit granted by the Alabama Water Improvement Commission.

(b) In order to obtain a permit for surface mining of any substance other than coal within the regulated area, an operator must submit to the Commission the following: a copy of its permit application and related information prepared for the Department of Industrial Relations; a copy of the permit granted by the Department of Industrial Relations; a copy of its application and related information submitted to the Alabama Water Improvement Commission; and a copy of the permit granted by the Alabama Water Improvement Commission.

(3) Upon receiving a permit application, the Commission shall review the information listed in Subsection 2. It may consult with the Alabama Surface Mining Commission, the Alabama Water Improvement Commission, the Department of Industrial Relations, or any other local, state, or federal agency or private source to obtain further information as to the impact that the surface mining activity will have upon Little River Canyon, the Little River, the West Fork of Little River and the East Fork of Little River.

(4) The Commission shall deny the permit if it determines that the proposed surface mining activity in the regulated area will present danger to the physical integrity of Little River Canyon and the water quality of Little River, its West Fork and its East Fork. Otherwise, the permit shall be granted.

Section 6. Supplemental Reclamation Requirements. The following reclamation requirements are to supplement the requirements for reclamation found in the "Alabama Surface

Mining Reclamation Act of 1975" and the "Alabama Surface Mining Act of 1969". The Alabama Surface Mining Reclamation Commission and the Department of Industrial Relations are prohibited from returning any portion of the bond for performance, required in Section 15 of the "Alabama Surface Mining Reclamation Act of 1975" and in Section 9 of the "Alabama Surface Mining Act of 1969" that is posted by an operator of a surface mining activity in the regulated area, until the Little River Canyon Preservation Commission certifies that the additional requirements listed in or promulgated pursuant to this Act have been met.

While mining and reclaiming, an operator shall:

(1) Remove the topsoil from the land in a separate layer and segregate the topsoil in a separate pile until needed so that the soil is kept in a usable condition for sustaining vegetation, unless other soil placement procedures or soil conditioning, as may be necessary to better establish and maintain vegetation in the area of land affected, have been approved by the Little River Canyon Preservation Commission;

(2) Cover immediately with nontoxic material any toxic material, roof coal, pyritie shale, or other material known to be acid producing, toxic, or creating a fire hazard, and bury such toxic material under adequate fill;

(3) Replace the topsoil which has been segregated, unless the Commission has approved or required other soil placement or soil conditioning, including the application of soil amendments, as necessary to sustain vegetation, in which case such procedures shall be followed.

The Little River Canyon Preservation Commission is authorized and may promulgate any other rules and regulations pertaining to surface mining and reclamation that it determines necessary to insure that the "regulated area" will be returned to a natural condition of an equivalent or higher environmental quality than before surface mining was commenced.

Section 7. Elimination of Highwalls. The Alabama Surface Mining Reclamation Commission and the Department of Industrial Relations are prohibited from returning any portion of the bond for performance, required in Section 15 of the "Alabama Surface Mining Reclamation Act of 1975" and in Section 9 of the "Alabama Surface Mining Act of 1969" that is posted by an operator of a surface mining activity in Cherokee County, until the operator backfills with spoil material any highwall created during the mining operation. The highwall must be completely covered and the site must be returned to the approximate original contour and the slope must be capable of maintaining stability following mining and reclamation.

In covering the highwall, the operator is to avoid disturbance of land above the top of the highwall, unless the Little River Canyon Preservation Commission finds that such disturbance is necessary for adequate elimination of the highwall. Provided, however, that the land disturbed above the highwall shall be limited to that amount necessary to facilitate compliance.

Section 8. Blasting. In order to prevent injury to persons or property or damage to geological formations as found in Little River Canyon, the use of explosives in Cherokee County for the purpose of blasting in connection with surface mining shall be done in accordance with regulations promulgated by the Commission.

Section 9. Setback Requirements. No surface mining shall be permitted within 1,000 feet of the rim of Little River Canyon or within 1,000 feet of that portion of Little River not flowing through Little River Canyon or 1,000 feet from the East Fork of Little River or the West Fork of Little River. Nor shall surface mining be permitted within 100 feet of any stream within the regulated area or such additional distance deemed necessary by the Commission to protect water quality.

Section 10. Violation of Act.

(1) Whenever the Commission has cause to believe that any operator is violating any provision of this Act, or any rules or regulations promulgated, pursuant to these laws, the Commission shall cause a prompt investigation to be made in connection therewith. If upon inspection the Commission or its duly appointed representative discovers a condition which is in violation of the provisions of this Act or any rule or regulation promulgated pursuant thereto, the Commission or its duly appointed representative shall be authorized to order such violation to cease and to take such steps necessary to enforce such an order. The said order shall state the items which are in violation and shall provide a reasonable specified time within which the violation must cease. The person responsible shall make the corrections necessary to comply with the requirements of this Act or rule or regulation promulgated pursuant thereto within the time specified in the order. Nothing herein shall be deemed to prevent the Commission, the Attorney General or the District Attorney of the 9th Judicial Circuit from prosecuting any violation of this Act or any rule or regulation promulgated pursuant thereto notwithstanding that such violation is corrected in accordance with any order.

(2) Any person aggrieved by an order of the Commission under this Act may, upon application made within 15 days after notice thereof, be entitled to a hearing before the Commission which shall within 30 days thereafter hold a hearing

of which at least 15 days written notice shall be given to such persons. Within 30 days after such hearing the Commission shall issue an appropriate order modifying, approving, or disapproving its order. A copy of such order shall be served upon all interested parties. Pending the determination by the Commission and upon application therefor the Commission may stay the operation of such order upon such terms and conditions as it may deem proper. The testimony taken at any hearing shall be under oath and recorded stenographically, but the parties shall not be bound by the strict rules of evidence prevailing in the courts of law and equity. True copies of any transcript and of any other record made of or at such hearing shall be furnished to any party thereto upon request and at his expense. Any hearing required by this Act to be held before the Commission shall be held before a hearing officer designated by the Chairman who shall have power to subpoena witnesses and compel their attendance, administer oaths, and require the production for examination of any books or papers relating to any matter under investigation in any such hearing. The Commission, at the request of any interested person, may subpoena and compel the attendance of such witnesses as such person may designate and require the production for examination of any books or papers relating to any matter under investigation in any such hearing.

(3) Any duly designated representative of the Commission may administer oath to witnesses and may conduct hearings or investigations and any such duly designated representative of the Commission may sign and issue subpoenaes requiring persons to appear before him or the Commission and the Commission, through its designated officers, shall have the power to serve said subpoenaes upon any such person by sending a copy of such subpoena through the United States mail, postage prepaid, which said mail shall be registered with return receipt attached and such service shall be complete when said registered mail shall be delivered to said person and such receipt returned to the Commission or its designated representative, signed by the person sought to be subpoenaed. Obedience to a subpoena issued by the Commission or any person authorized and designated by the Commission to issue said subpoena may be enforced by application to any judge of the Circuit Court of the county in which said subpoena was issued or to the judge of any Circuit Court in which such person subpoenaed resides in the same manner as is provided by law for the grand jury of a county to enforce its subpoenaes and with the same penalty as provided therefor for the failure of any person failing or refusing to comply with such subpoena.

(4) Any person who violates any provision of this Act, or any rule or regulation adopted by the Commission, or any

order which has been issued by the Commission as provided for in this section, shall be liable to a penalty of not less than $100.00 nor more than $10,000.00 for said violation which may be recovered in a civil action in the Circuit Court. Each and every day during which such violation continues shall constitute a separate violation for purposes of this subsection. It shall be the duty of the Commission and the Attorney General or any District Attorney of the 9th Judicial Circuit to commence such actions to recover said penalties. The issuance of an order shall not be a condition precedent to the commencement of any action under this section; however, when an order has been issued, the alleged violator shall be afforded an opportunity to be heard upon said order as provided herein before any action is commenced hereunder. All penalties recovered are to go to the Commission to be used as directed in Section 4 (5).

(5) The Commission and the Attorney General or the District Attorney of the 9th Judicial Circuit may commence a civil action for damages for environmental degradation done to Little River Canyon or to Little River, West Fork of Little River or East Fork of Little River, resulting from the wrongful act, omission, or negligence of a person. Such suits may be filed in the name of the Little River Canyon Preservation Commission in the Circuit Court of the 9th Judicial Circuit. Both punitive and compensatory damages may be recovered in a case where environmental degradation resulted from willful or wanton conduct on the part of the defendant; compensatory damages alone may be awarded when the environmental degradation is caused by a negligent act or omission. Should a verdict for damages be obtained in any such action, the court shall also assess and tax as costs against the defendant all reasonable costs incurred by the particular department or agency which investigated the degradation in such action. Such costs, as testified to by sworn affidavit, shall be paid over by the court to that department or agency which performed the investigation.

(6) The Commission and the Attorney General or the District Attorney of the 9th Judicial Circuit may bring suit to enjoin any actual or threatened violation of any provision of this Act or violation of any rule, regulation, or order made hereunder.

Section 11. Present Operators Exempt from Requirements. Any properly licensed and authorized surface mining being carried on prior to May 1, 1976, is not subject to the provisions of this Act. If a surface mine operator renews his permit with a state regulatory agency or obtains a new permit from such agency to expand his present operation, the newly permitted surface mining operation becomes subject to the requirements of this Act.

Section 12. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. Repealer. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 24, 1976.

Time: 5:30 P.M.

Act No. 525 S. 566—Little

AN ACT

To provide that the probate judge of Lee County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Lee County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this Act.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective on January 18, 1977.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 526 S. 601—Little and Torbert

AN ACT

To alter, re-arrange and extend the boundary lines of the City of Auburn, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Auburn, in Lee County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraces therein, the following described property, to-wit:

Begin at a point which is 2770.7 feet North 87 degrees 54 minutes East of the Southwest corner of Section 27, Township 19 North, Range 26 East in Lee County, Alabama, and go thence South 00 degrees 59 minutes East 1578.6 feet to a point on the northerly margin of Hamilton Road; go thence North 80 degrees 27 minutes East along the northerly margin of Hamilton Road a distance of 410.5 feet; go thence North 77 degrees 14 minutes East along the northerly margin of Hamilton Road a distance of 666.3 feet; go thence North 73 degrees 43 minutes East along the northerly margin of Hamilton Road a distance of 854.4 feet; go thence North 75 degrees 30 minutes East along the northerly margin of Hamilton Road a distance of 699.6 feet; go thence North 77 degrees 16 minutes East along the northerly margin of Hamilton Road a distance of 1112.75 feet; go thence North 74 degrees 21 minutes East along Hamilton Road a distance of 310.2 feet to a point made by the intersection of the northerly margin of Hamilton Road and the northeasterly margin of Bent Creek Road; go thence North 24 degrees 44 minutes West along the northeasterly margin of Bent Creek Road a distance of 750.9 feet; go thence in a northwesterly direction along the curve of the northeasterly margin of Bent Creek Road for a distance of 328.97 feet, said curve having a radius 897.55 feet, a chord bearing of North 35 degrees 15 minutes West and a chord distance of 326.73 feet; go thence North 00 degrees 24 minutes West, a distance of 547.9 feet; go thence North 05 degrees 16 minutes West a distance of 544.7 feet; go thence North 61 degrees 19 minutes West, a distance of 677.1 feet; go thence North 72 degrees 49 minutes West a distance of 210.4 feet; go thence North 86 degrees 18 minutes West a distance of 165.4 feet; go thence South 73 degrees 51 minutes West a distance of 33.9 feet to a point on the eastern boundary of Section 27; go thence due South along said Section line a distance of 1700.0 feet, more or less, to the Southeast corner of Section 27; go thence South 87 degrees 54 minutes West a distance of 2640 feet, more or less, to the point of beginning.

Section 2. This Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 527 S. 602—Torbert and Little

AN ACT

To alter, re-arrange and extend the boundary lines of the City of Opelika, in Lee County, Alabama, so as to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Opelika, in Lee County, Alabama, be and the same are hereby altered, re-arranged, and extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

Begin at the Northeast corner of Section 26, Township 19 North, Range 26 East in Lee County, Alabama, go thence South 67 degrees 05 minutes West a distance of 887.3 feet to a point on the westerly margin of Hamilton Road; go thence in a southwesterly direction along the curve of the westerly margin of Hamilton Road for a distance of 596.4 feet, said curve having chord bearing of South 04 degrees 12 minutes West; go thence along the westerly margin of Hamilton Road South 02 degrees 13 minutes East a distance of 159.4 feet; go thence in a southeasterly direction along the curve of the westerly margin of Hamilton Road for a distance of 541.7 feet, said curve having a chord bearing of South 08 degrees 26 minutes East; go thence along the westerly margin of Hamilton Road South 15 degrees 05 minutes East a distance of 362.4 feet; go thence in a southeasterly direction along the curve of the westerly margin of Hamilton Road for a distance of 558.2 feet, said curve having a chord bearing of South 10 degrees 56 minutes East; go thence along the westerly margin of Hamilton Road South 06 degrees 47 minutes East for a distance of 383.8 feet; go thence in a southeasterly direction along the curve of the westerly margin of Hamilton Road for a distance of 696.3 feet, said curve having a chord bearing of South 04 degrees 57 minutes East; go thence South 03 degrees 10 minutes East along the westerly margin of Hamilton Road for a distance of 475.9 feet; go thence in a southwesterly direction along the curve of Hamilton Road, said curve having a chord bearing of

South 28 degrees 53 minutes West and a chord distance of 1171.7 feet; go thence South 60 degrees 57 minutes West along the northwesterly margin of Hamilton Road for a distance of 2,475.9 feet; go thence in a southwesterly direction along the curve of the northwesterly margin of Hamilton Road said curve having a chord bearing of South 65 degrees 09 minutes West and a chord distance of 330.1 feet, to a point made by the intersection of the northwesterly margin of Hamilton Road and the northeasterly margin of Bent Creek Road; go thence North 24 degrees 44 minutes West along the northwesterly margin of Bent Creek Road a distance of 750.9 feet; go thence in a northwesterly direction along the curve of the northeasterly margin of Bent Creek Road for a distance of 328.97 feet, said curve having a radius of 897.55 feet, a chord bearing of North 35 degrees 15 minutes West and a chord distance of 326.73 feet; go thence North 00 degrees 24 minutes West a distance of 547.9 feet; go thence North 05 degrees 16 minutes West a distance of 544.7 feet; go thence North 61 degrees 19 minutes West a distance of 677.1 feet; go thence North 72 degrees 49 minutes West a distance of 210.4 feet; go thence North 86 degrees 18 minutes West a distance of 165.4 feet; go thence South 73 degrees 51 minutes West a distance of 33.9 feet to a point on the eastern boundary of Section 27; go thence due North along said Section line a distance of 3,580.0 feet, more or less, to the Northwest corner of Section 26; go thence due East along said Section line a distance of 5,280.0 feet, more or less, to the Northeast corner of Section 26, Township 19 North, Range 26 East and the point of beginning.

Section 2. This Act shall become effective on its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 528 S. 605—Torbert

AN ACT

Relating to Lee County; to authorize the county commission of said county to levy and collect certain additional taxes and fees and to provide for the disposition of the proceeds from such taxes and fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the limitation of the Constitution of Alabama or of any general law of this state, the Lee County Commission is hereby authorized to levy and collect additional

privilege license taxes, excise taxes, and solid waste disposal fees. The revenue from the taxes and fees herein authorized shall be deposited into the county general fund to be used in the manner prescribed by the county commission.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. The substantive provisions of this act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Lee County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next special election or general election of state and county officers next following final passage of this act. Notice of the election shall be given by the judge of probate of Lee County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law authorizing the Lee County Commission to levy and collect additional privilege license taxes, excise taxes and solid waste fees, as authorized in Act No. of the 1976 Regular Session? Yes () No.()." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Lee County shall certify the results of the election to the Secretary of State.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 529 S. 625—Little, Torbert

AN ACT

Relating to Lee County board of registrars; providing for thirty dollars ($30.00) per day total compensation for each member of the board while in session and providing the method of payment thereof which will be shared by the state and county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lee County board of registrars shall receive thirty dollars ($30.00) per day the board is in session. The county commission shall supplement the pay already provided for by general law with funds out of the county general fund sufficient to bring said pay up to the amount provided for by this act.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 530 S. 701—Little

AN ACT

Relating to all counties having populations of not less than 33,550 nor more than 34,000 according to the 1970 or any subsequent federal decennial census; relating to salaries of deputies to the sheriff in all such counties; and providing that such salaries shall be paid from the county general fund.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties having populations of not less than 33,550 nor more than 34,000 according to the 1970 or any subsequent federal decennial census.

Section 2. In all such counties the chief deputy sheriff shall receive a salary of Eight Hundred Dollars ($800.00) per month and all full-time deputies shall receive a salary of Seven Hundred Dollars ($700.00) per month. All such salaries shall be paid by the county governing body of the county employing such deputies in the same manner and out of the same fund as now provided by law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective October 1, 1976.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 531 S. 575—Little

AN ACT

To provide that the judge of probate of Lee County shall be compensated on a salary basis; to provide for the operation of his office after he is on a salary basis; to require the judge of probate to serve as chairman of the Lee County Commission and to require the judge of probate to continue to collect the fees prescribed by law and to pay such fees into the county treasury from which his salary will be paid.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of probate of Lee County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Lee County an annual salary of $35,000. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity, including his service as chairman of the Lee County Commission, a position which he is hereby required to fill. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Lee County.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Lee County shall hereafter continue to be collected but shall be paid into the general fund of Lee County.

Section 3. The governing body of Lee County shall provide the judge of probate with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Lee County not to exceed $41,800.00 annually.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall become effective upon the expiration of the term of office of the incumbent judge of probate when this Act becomes law, and upon the ratification and adoption of an Amendment to the Constitution of Alabama authorizing an Act placing the judge of probate on a salary, provided that a majority of the qualified electors of Lee County, voting in such constitutional amendment

election approve of the adoption of the amendment. If the vote in Lee County on such amendment is not favorable thereto, then this Act shall have no force or effect.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 532 S. 729—Waldrop

AN ACT

Relating to all counties with a population of 90,000 to 100,000 according to the 1970 or any subsequent federal decennial census. To provide for the retention of an area vocational school by the county board of education under certain circumstances.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties with a population of 90,000 to 100,000 according to the 1970 or any subsequent federal decennial census, where a majority of the students attending an area vocational school are students from county schools, that area vocational school shall remain in the control of the county board of education, even if such school is located within the city limits of a municipality, which has its own school system.

Section 2. This act shall become effective upon its signing by the Governor or its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 533 S. 449—Mitchell

AN ACT

Relating to Native Americans; creating the Alabama Creek Indian Council; providing for membership and method of appointment; and providing for the duties and power of the Council.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the purpose of this act to create a Creek Indian Council to enable the Creek Indians and their descendants residing in Alabama to enjoy the full benefits of State, local, and federal programs for the economic, cultural, and social advancement of the Creek Indians.

Section 2. There is hereby created the Alabama Creek Indian Council.

(a) The Council shall be composed of seven members, five of whom shall be Creek Indians. The two additional members shall not be Creek Indians. All members of the Council shall be appointed by the Governor.

(b) The term of office of the Council members shall be concurrent with the Governor's term of office.

Section 3. The Alabama Creek Indian Council shall have the following powers:

(a) The Council may employ staff for its operations and shall establish rules governing the employment, compensation and discharge of personnel.

(b) Adopt a seal.

(c) Sue or be sued.

(d) Apply for and accept gifts, grants and donations of Federal, state, private and local funds.

(e) Acquire lease, maintain or sell real or personal property.

(f) Issue revenue certificates, which bonds may be issued in its own name providing that such bonds shall not constitute any obligations upon the State or counties wherein issued.

(g) Engage in other activities in promotion of the purposes of the Council not inconsistent with general laws of this State.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall take effect on July 1, 1976.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 534 S. 501—Noonan, Owen

AN ACT

To create a reconstituted coastal area board with responsibility and authority for developing, coordinating and maintaining a coastal area program for the area in direct proximity to the coasts of Alabama to insure the enhancement of tourism and orderly economic development along coasts; and to provide for the promulgation of regulations and provisions for the enforcement of this act; and

To repeal Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164), entitled, "An Act To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act."

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreation, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values to the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and munici-

palities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities wherever applicable to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to needs for economic development, as well as to ecological, cultural, historic, and aesthetic values.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbor facilities for the receiving of oil, gas and other commodities from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area management programs. With respect to implementation of such management programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer

limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Management Program" includes, but is not limited to, a comprehenisve statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Board" means the Board established under this Act.

Section 4. Permissible Uses. The legislature of Alabama finds that the following activities shall constitute permissible uses within the Coastal Area upon the approval of this Act by the Governor. The Board shall determine by rule and regulation from time to time additional permissible uses within the Coastal Area.

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boathouses and similar structures are constructed on pilings, that permit a reasonably unobstructed ebb and flow of the tide;

d. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of final approval of the rules and regulations pursuant to this Act;

e. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling;

f. Normal maintenance and repair activities of railroads and of utilities or other persons engaged in transportation or in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage, including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks, bridges, trestles and drainage facilities or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility;

g. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

h. The use of any land for the purpose of planting, growing, or harvesting plants, crops, trees, or other agricultural or forestry products, including normal private road constuction, raising livestock or poultry, or for other agricultural purposes;

i. Completion of any development, not otherwise in violation of law, for which a valid building or zoning permit was issued prior to final approval of the rules and regulations pursuant to this Act and which development was initiated prior to such approval.

Section 5. Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board as set forth as follows:

a. Members of the Board shall consist of: Director, Office of State Planning, Alabama Development Office; Director, Marine Resources Division, Department of Conservation and Natural Resources; member, Mobile City Commission; member, Mobile County Commission; member, Baldwin County Commission; the State Geologist; Director Marine Environment Sciences Consortium; one official of a municipality in Baldwin County, who is a member of and selected by the Baldwin County

Mayor's Association, the Chairman of the Coastal Area Advisory Committee provided for in Sec. 9 of this Act.

b. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions.

c. The Chairman of the Board shall be elected by the members of the Board and shall serve as chairman at the pleasure of the Board. The Board shall designate from time to time any other member as acting Chairman who shall serve in the absence of the Chairman.

d. A quorum for the transaction of business shall consist of at least five (5) members. A majority of those members voting shall be required to pass any motion before the Board. However, in adopting its rules and regulations a minimum of two-thirds of the Board's membership must vote in the affirmative. The Board shall have an official seal which shall be judicially noticed.

e. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

f. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

g. The Board shall have authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

h. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this Act, the Board shall have the power to acquire fee simple and less than fee simple interest in land, water and other property under the procedures of Title 19, Code of Alabama, or other means, however such power shall not apply to property and interest therein which is devoted to public use. In the implementation of this Act no governmental agency shall adopt a rule or

regulation that is unduly restrictive, or constitutes a taking of property without payment or full compensation in accordance with the Constitution of the State of Alabama or of the United States.

j. The Board is authorized to employ an executive director to serve at the will of the Board. The executive director, under policies adopted by the Board, shall manage the executive and administrative functions of the Board and the Board's general operations and shall serve as chief administrative officer of the Board. The executive director, in addition to his usual functions, shall be secretary to the Coastal Area Board. The Board shall fix the compensation of the executive director. The executive director, subject to Board approval, shall employ necessary engineers, attorneys, accountants, technical personnel and other employees necessary to carry out the provisions of this Act. Employees of the Board are entitled to compensation as provided by the Board. The executive director shall keep complete and accurate minutes of all transactions and proceedings of the Board. The executive director shall be custodian of all files and records of the Board.

k. The Board is authorized to call upon and/or contract with such other state agencies including universities to provide such technical assistance as might be needed from time to time to develop and carry out the management program. The cost of such technical assistance shall be reimbursable to the agency furnishing such assistance on an actual cost basis.

l. Subject to Section 14, after 120 days from the approval of this Act by the Governor the Board shall provide for the orderly transfer by the State Planning Office of all of the State Planning Office functions under Act 1274, Regular Session 1973 to the office and staff directed and hired by the Coastal Area Board, and accordingly there shall be established in the Gulf Coast area an office to carry out the functions, responsibilities and duties herein presently delegated to the office of State Planning and otherwise to effectuate the provisions of this Act.

Pursuant to the above provisions of this subsection L, the Board is authorized to accept and use such funds, facilities, or personnel as may be or may become available for the purposes of this Act. There is hereby created a fund which shall be known as the Alabama Coastal Area Board Fund. This shall consist of: (a) all money appropriated to the Board by the Legislature of the State of Alabama; (b) all money received by the Board by appropriation from county or municipal governments; (c) all gifts, grants, bequests or donations from individuals, associations, corporations, or industries; (d) all money derived through any source of federal aid; (e) all other

moneys accruing to the Board in accordance with the terms of the gift, grant, bequest, appropriation, or donation from which said money is derived. The funds shall be expended by the Board in furtherance of any of the provisions of this Act. All necessary expenses of the Board shall likewise be paid out of said fund.

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area management program. The program shall be prepared in cooperation with local, regional, state and federal interests. The inland boundaries of the Coastal Area subject to the management program are described as follows: Begin at the southernmost point on the Mississippi-Alabama State line where the land surface elevation reaches 10 feet aboev mean sea level and continue in a general easterly direction along the 10-foot contour to the proximity of Mobile Bay; continue in a northerly direction on the 10-foot contour along the western shore of Mobile Bay and the Mobile River delta to the north line of Mobile County; thence southeastward along the north line of Mobile County to the intersection with the Baldwin County lines in the Mobile River; thence along the west and north lines of Baldwin County in the Mobile and Alabama Rivers to the intersection of the southwest corner of Monroe County; thence eastward along the Baldwin County line to the intersection of the westernmost point of Baldwin County where the land surface altitude reaches 10 feet above mean sea level; thence along the 10-foot contour in a southwesterly and southern direction along the Alabama River, the Mobile River delta and the east shore of Mobile Bay to the proximity of Bon Secour; thence continue along the 10-foot contour in an easterly and northeasterly direction to the Alabama-Florida State line. The program shall include at least the following:

a. Identification of all of the state's coastal resources;

b. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;

c. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;

d. An inventory and designation of areas of particular concern within the coastal area;

e. Broad guidelines on priority of uses in particular areas;

f. Provision for adequate consideration of the local, regional, state and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other

public services necessary to meet requirements which are other than local in nature.

g. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.

h. Adequate provision for public notice, public hearings, and the judicial review as provided for under Alabama law.

i. The management program shall determine permissible land and water uses which have a direct and significant impact within the boundaries of the Coastal Area and must give due consideration to requirements for agriculture, industry, commerce, resource conservation, residential development, recreation, extraction of mineral resources and fossil fuels, harvesting of timber and pulpwood, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resoucres.

Section 7. Rules and Regulations. The Board shall develop and promulgate, after notice and opportunity for full participation by relevant Federal Agencies, State Agencies, local governments, regional organizations, port authorities and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the management program provided for in this Act.

Section 8. Permits. It is the intent and purpose of this section to avoid duplicity whenever possible to managing activities within the coastal area and yet assure compliance with the management program established by the Board.

a. No additional permit shall be required from the Board where the proposed action requires a permit from; Alabama Water Improvement Commission, Alabama Air Pollution Commission, Alabama Oil and Gas Board, Alabama Department of Conservation and Natural Resources, or any other agency having jurisdiction of an action within the coastal area. However, the above mentioned agencies shall not issue a permit for any activity or action within the boundaries of the coastal area until there has been a determination by the Board that any permit issued by the above agencies will be in compliance with the management program of the Board. The Board shall act on any such request for determination of compliance within forty-five (45) calendar days of receipt of such request. Failure of the Board to act within said time limit shall be a ground upon which the party seeking the permit may apply to any court of competent jurisdiction for a writ of mandamus compelling the Board to act within 10 days after the date of such court

order; and the court must grant such order upon the ex parte showing that the Board has failed to act within said 45-day limit.

b. There may well be uses of certain lands included within the boundaries of the Coastal Area which will not have a "direct and significant" impact on coastal waters. Such uses may be subject to regulation by local units of government, i.e. city or county, within the framework of the management program adopted by the Board.

c. Any person, corporation or partnership filing an application for a Federal permit for an activity to be conducted within the boundaries of the Coastal Area shall deliver to the Board an informational copy of such application.

Section 9. Advisory Committee. There is hereby established the Coastal Area Advisory Committee whose purpose on matters concerning the Coastal Area. The committee membership shall be composed of fourteen (14) persons having a broad range of experience and knowledge relating to problems involving management, use, conservation protection and development of coastal area resources. Members selected shall represent a broad segment of industry and commerce, conservation and protection groups within the coastal area, farming and forestry within the coastal area, fishing and marine transport within the coastal area, building and land development within the coastal area, and planning and engineering within the coastal area.

The County Commissions of Mobile and Baldwin Counties shall solicit nominations from various public, private, civic and professional groups representing the above interests for membership on the Coastal Area Advisory Committee and each County Commission shall select seven (7) for membership assuring that at least one-half of the committee membership shall be residents of Baldwin County and at least one-half of the committee membership shall be residents of Mobile County. In addition, a majority of those members selected from each county shall either reside and/or own property within the management program of the coastal area. The members so selected shall serve for a period of one (1) year from the date of their appointment and shall be eligible for reappointment. The total committee membership of fourteen (14) so selected by their respective County Commissions shall elect a Chairman who shall serve at the pleasure of the Coastal Area Advisory Committee and who by virtue of such office shall serve as a voting member of the Coastal Area Board.

Section 10. Approval by Governor.

a. The management program provided for in Section 6

of this Act shall not become effective until approved by the Governor.

b. Any rule or regulation proposed by the Board shall not become effective until approved by the Governor.

Section 11. Appeals and Judicial Review.

a. An appeal may be taken by any person or persons, partnership, corporation, state or local government entity aggrieved by an order of the Board, which has resulted in the denial, suspension, or revocation of a permit or the issuance of a permit or a conditional permit within the coastal area. Before such appeal will lie, written protest setting forth the basis of the appeal must be filed with the Board within thirty (30) days of final Board action.

b. After an appeal has been filed as provided for above, the Board may conduct such further inquiry into the matter as might be appropriated.

The appellant shall be given an opportunity to introduce testimony, both written and oral, to support the appeal to the Board. The Chairman of the Board shall have wide discretion in the manner of conducting the appeal.

c. If the Board denies an appeal as provided for above, the aggrieved party may appeal the order of the Board denying such appeal to the Circuit Court of the county in which the property affected by the order of the Board is located. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this Act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

Section 12. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate an action against any person or persons, partnership, corporation, state or local government entity if in the judgment of the Board such party is determined to be in violation of the management program of the Board.

a. Jurisdiction and venue for judicial actions brought pursuant to this Act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Threatened or actual violations of this Act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

c. Nothing in this Act shall preclude other statutory or

common law remedies by public or private parties against violators or non-violators of this Act.

Section 13. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. Authority of Board to Implement Coastal Area Office. The Board shall take the steps to implement Section 5-1 of this Act only after there has been appropriated by the Legislature of Alabama the sum of Forty Thousand Dollars ($40,000.00) for the purpose of implementing the provisions of the Act, or in the alternative, the Board has acquired by gift, donation, grant or bequest, or appropriation from federal, county or municipal government or services in kind by another state agency or agencies, a sum equal to Forty Thousand Dollars ($40,000.00), or in the event the Board in its judgment and the exercise of prudence feels that it may assume the functions, responsibilities and duties set out in Section 5-1 without the receipt of such monies, the Board is hereby authorized to notify the Governor and the State Planning Office of its readiness to assume the State Planning Office functions under Act 1274 of the Regular Session 1973.

Section 15. Repeal Section. All laws in conflict or inconsistent with the provisions of the Act are hereby repealed; and Act No. 1274, S. 311, 1973 Regular Session (Acts of 1973, p. 2164) is hereby specifically repealed.

Section 16. Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 535 S. 627—Little

AN ACT

Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census; relating to landlords and tenants; defining the rights, remedies, terms and providing procedures regarding the payment and refund of tenants' deposits required as a condition for rental of residential units when such deposit is not in payment of rent.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to all counties having a

population of not less than 60,000 nor more than 65,000 inhabitants according to the 1970 or any subsequent federal decennial census.

Section 2. Whenever used in this act, the following words shall have the following meaning:

(a) "Residential unit" means any furnished or unfurnished apartment, house or any other type of dwelling that is offered for rent or lease, as a place of residence.

(b) "Landlord" means the owner or manager of any rental unit or group of rental units, or his agent.

(c) "Tenant" means any person who enters into an agreement to rent or lease a residential unit for a fixed fee.

(d) "Deposit" means any money required by the landlord as a condition to the rental of residential units, in addition to the regular payment of rent, to be paid by the tenant.

Section 3. The tenant may, at the time of or prior to taking possession of the residential unit, make an itemized listing of any damages or defects and submit the list to the landlord. In the absence of any objection made by the landlord, such list becomes conclusive proof of the existence of the listed damage or defect and holds the tenant harmless from any liability therefor. In that event the landlord is prohibited from making any deductions from the tenant's deposit for repairs therefor. Provided, however, if the defect or damage is repaired to the satisfaction of the tenant, and there is proof of such repair, the tenant shall be liable for any subsequent defect or damage as a result of his intentional or negligent conduct or as a result of such conduct by any person on the premises with the consent of the tenant. In that event the landlord shall have the right to make deductions from the tenant's deposit.

Section 4. Upon termination of the tenancy and delivery of possession of the premises to the landlord, any deposit held by the landlord may be applied to:

a) any accrued rent owed by the tenant; or

b) payment of damages resulting from the intentional or negligent conduct of the tenant, his family, or anyone on the premises with his consent, ordinary wear and tear excepted.

Section 5. The landlord, after deducting any amounts set out in Section 4 hereof, shall return any balance of the deposit within thirty (30) days of the termination and delivery of possession of the premises, providing the landlord has been supplied with the forwarding address of the tenant. If the landlord fails to comply with the provisions of this section, the tenant

may recover the full amount of the original deposit and reasonable attorney fees.

Section 6. If a demand is made by the tenant for an itemized listing of the charges against his deposit, the landlord must provide an itemized listing to the tenant within fourteen (14) days of such demand if:

a) the tenant made such demand within thirty-five (35) days after termination of occupancy; and,

b) the tenancy is terminated; and,

c) the tenant has delivered possession of the premises to the landlord; and

d) the tenant has provided the landlord with a forwarding address.

If the landlord fails to comply with this section, the tenant may recover any balance of the deposit due him together with damages in an amount equal to double the amount wrongfully withheld, plus reasonable attorney fees.

Section 7. A court of competent jurisdiction, including the small claims court where such court exists and where the dollar amount in controversy is within the jurisdiction of that court, of a county which is subject to this Act, may exercise jurisdiction over any landlord or tenant with respect to any conduct in that county or with respect to any claim rising from a transaction subject to this Act.

Section 8. The remedies provided for herein are cumulative and neither the landlord nor the tenant is precluded from recovering any other damages or other remedies provided by law.

Section 9. Unless otherwise specified, the holder of the landlord's interest in the premises at the time of the termination of the tenancy is bound by this Act regardless of whether he entered into the original contract with the tenant.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.

Act No. 536 S.733—Mims

AN ACT

To amend Section 12 of Act No. 515, H. 93, Regular Session 1945 (General Acts 1945, p. 734) as amended, which relates to the Employees' Retirement System of Alabama and provides for the participation of counties, cities, towns, and public or quasi-public organizations so as to further provide for creditable service for certain members.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 of Act No. 515, H. 93 Regular Session 1945 (General Acts 1945, p. 734), as amended, is hereby further amended to read as follows:

"Section 12. Participation of counties, cities, towns and public or quasi-public organizations. — (1) The governing board of any county, city, town or public or quasi-public organization of the state or of any political subdivision thereof, or the Alabama extension service and agricultural experiment station system of Auburn University may, by resolution legally adopted to conform to rules prescribed by the board of control, elect to have its officers and employees from whatever sources and in whatever manner paid, become eligible to participate in the retirement system; and the adjutant general of the state, with the approval of the governor, may, by application properly prepared and submitted in conformity with rules prescribed by the board of control, elect to have those employees of the Alabama national guard employed pursuant to section 709 of the United States Code, and paid from federally appropriated funds, become eligible to participate in this retirement system. The terms "officers" and "employees" as herein used shall include those persons appointed or employed by the individual officers and performing their duties in public offices. Acceptance of the employee of such an employer for membership in the retirement system shall be optional with the board of control and if it shall approve their participation, it shall set the date, which shall not be prior to October 1, 1946, when participation shall become effective, and then such employees may become members of the retirement system and participate therein as provided in the provisions of this section. Notwithstanding anything to the contrary employees of any such employer who are members of any retirement, pension or benefit fund partially or wholly supported by public funds shall not be entitled to become members of this retirement system. (2) Membership in the retirement system shall be optional for employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such employee who elects to join the retirement system within one year thereafter shall be entitled to a prior service certificate covering such employer, or his predecessor, or the state, or in any other

capacity approved by the employer and the board, for which the employer is willing to make accrued liability contributions. Thereafter sevice for such employee on account of which the employer pays contributions, shall be considered also as creditable service.

"Provided, that any active and contributing member of the Employees' Retirement System of Alabama who on October 1, 1976, is an employee of Clarke County, an employer participating in the retirement system under this section, and who has rendered creditable service to such employer prior to the date the employer's participation commenced, but who is precluded from obtaining credit therefor under the retirement system for reasons other than having been a non-member, may hereby claim and purchase credit for any such prior service as an employee of Clarke County provided he shall pay to the retirement system on or before January 1, 1977, a sum equal to the total contributions which he would have contributed during such period of prior service based on his annual compensation in each year of prior service claimed at the percentage rate of members contribution prevailing at the time payment is made hereunder together with interest compounded annually at eight per centum (8%) until the date of repayment.

"(3) Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. (4) Should a majority of the members of any retirement, pension, annuity fund or retirement system of any employer, hereafter referred to as a local pension system, elect to become members of the retirement system, by a petition duly signed by such members, the participation of such members in the retirement system may be approved as provided in subsection (1) of this section as though such local pension system were not in operation, and the provisions of this section shall thereupon apply, except that the existing pensioners or annuitants of the local pension system who were being paid pensions on the date of the approval shall be continued and paid at their existing rates by the retirement system and the liability on this account shall be included in the computation of the accrued liability rate as provided by subsection (6) of this section. Any cash and securities to the credit of the local pension system shall be transferred to the retirement system as of the date of approval. The trustees or other administrative head of the local pension system as of the date of approval shall certify the proportion, if any of the funds of the system that represents the accumulated contributions of the members, and the relative shares of the members as of that date. Such shares shall be credited to the respective employee annuity savings accounts of such members in the retirement system as additional contributions. The balance of the funds trans-

ferred to the retirement system, shall be offset against the accrued liability before determinating the special accrued liability contribution to be paid by the employer as provided by subsection (6) of this section. The operation of the local pension system shall be discontinued as of the date of the approval. (5) The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of control such information and shall cause to be performed in respect to the employees of said employer such duties as shall be prescribed by the board in order to carry out the provisions of this chapter. (6) The actuary of the retirement system shall compute the rates of contributions payable by employees who become members under the provisions of this section in the same manner as if they were state employees and shall compute the contributions which would be payable annually by the employer on behalf of such members as though they were state employees except that each employer of members participating in the system as provided in this section shall make a special accrued liability contribution on account of the participation of its officers and employees in the retirement system which shall be determined by an actuarial valuation of the accrued liability on account of the employees of such employer who elected to become members, in the same manner as the accrued liability rate was originally determined for state employees. This special accrued liability contribution, subject to such adjustment as may be necessary on account of any additional prior service credits awarded to employees of such employer, shall be payable in lieu of the accrued liability contribution payable on account of other employees in the system. The expense of making such initial valuation shall be assessed against and paid by the employer on whose account it is necessary. The contributions so computed together with a pro rata share of the cost of the administration of the retirement system, based upon the payroll of the employees, shall be certified by the board of control to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the state treasurer the amount certified by the board as payable under the provisions of this section, and the state treasurer shall credit such amounts to the appropriate funds of the retirement system. (7) Employees who become members under this section and on behalf of whom contributions are paid as provided in this section should be entitled to the benefits under the retirement system as though they were state employees. (8) The agreement of any employer to contribute on account of its employees shall be irrevocable, but should an employer for any reason become financially unable to make the normal and accrued liability contributions payable on account of its employees, then such employer shall be deemed to be in default. All mem-

bers of the retirement system who were employees of such employer at the time of default shall thereupon be entitled to discontinue membership in the retirement system and to a refund of their previous contributions upon demand made within ninety days thereafter. As of a date ninety days following the date of such default, the actuary of the retirement system shall determine by actuarial valuation the amount of the reserve held no account of each remaining active member and pensioner of such employer and shall credit to each such member and pensioner the amount of reserve so held. The reserve so credited together with the amount of the accumulated contributions of each such active member, shall be used to provide for him a paid up deferred annuity beginning at age sixty, and the reserve of each such pensioner shall be used in providing such part of his existing pension as the reserve so held will provide, which pension, together with his annuity, shall thereafter be payable to him. The rights and privileges of both active members and pensioners of such employer shall thereupon terminate, except as to the payment of the deferred annuities so provided and the annuities and pensions, or parts thereof, provided for the pensioners. (9) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pensions or other benefits on account of the employees or pensioners of any employer under this section, for which reserves have not been previously created from funds contributed by such employer or its employees for such benefits. (10) The agreement of any employer to contribute on account of its employees shall be irrevocable except that by mutual consent any employer, and its employees desiring to withdraw from the employees' retirement system as a unit, may do so by complying with the following provisions:

"(a) The employer, by resolution of the governing body, shall signify its intention and desire to withdraw from the employees' retirement system in writing and shall deliver copy of such resolution, together with the signatures of members as provided in subsection (10) (b) and (c) below, to the board of control of the employees' retirement system.

"(b) Each member of such employer contributing on the date that the unit withdraws shall agree in writing to waive his rights, privileges and vested interest under the provisions of the Employees' Retirement System Act, and shall agree to have his accumulated contributions with interest as is provided to a member upon withdrawal, transferred to the employer and retained or expended in accordance with applicable local law.

"(c) Each member of such employer who is not contributing on the date that the unit withdraws shall have his

contributions plus interest retained in the state employees' retirement system, and shall be governed under the applicable laws, except those who agree as in (b) above, in which event, their accumulated contributions with interest as is provided to a member upon withdrawal shall be treated in the same manner as in (b) above.

"(d) The rights and privileges of existing beneficiaries of such employer shall neither be diminished, nor impaired, and the actuarial determination of the reserves necessary to provide the existing benefits shall be determined by the actuary employed by the state employees' retirement system, and shall be certified to the governing body of the withdrawing unit, who shall agree to maintain such rights and privileges, and to maintain the reserves, as certified, for the existing beneficiaries. Should the reserves prove inadequate, such employer shall agree to appropriate such amounts as may be necessary to maintain the existing benefits. The signatures of the existing beneficiaries agreeing to waiver of their rights and privileges, and vested interest in the employees' retirement system, and transfer of their accounts to the local employer shall be obtained by the employing unit. In the event any beneficiary declines to agree and sign such waiver of their rights and privileges, the reserves in the annuity reserve fund and pension reserve fund for such beneficiary shall be maintained by the employees' retirement system under such rules and regulations as the board of control may adopt and such reserves as may be determined by the actuary as necessary shall be retained out of any monies which the withdrawing unit has remitted to the retirement system. Upon transfer of such funds to the employer the employees' retirement system shall not be liable for the payment of any annuities or pensions or other benefits on account of such beneficiaries.

"(e) The board of control of the employees' retirement system shall promulgate such rules and regulations as are necessary to the termination of such employers' and employees' participation in the employees' retirement system and shall determine the amounts returnable to the employer and employees upon the actuarial valuation of such amounts by the actuary. Any actuarial or extraordinary expenses involved in such termination and transfer of funds, if in excess of present administrative expense, shall be deducted from any funds returnable to the employer, but no transfer of funds shall take place in less than ninety days subsequent to date of notification of intention to withdraw by the employer subsequent to June 10, 1953."

Section 2. Anything in this Act to the contrary notwithstanding, the employer cost for the granting of any service credit granted under the provisions of this Act shall become the con-

tinuing liability of the employer for whom such service was rendered.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 23, 1976.

Time: 3:00 P.M.